



PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY

REZONING RECOMMENDATIONS

JANUARY 16, 2020



PREPARED BY:

ORANGE COUNTY GOVERNMENT
PLANNING DIVISION | CURRENT PLANNING SECTION

**Planning and Zoning Commission /
Local Planning Agency
(PZC / LPA)**

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Mohammed Abdallah At Large

At Large

At Large

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Planning and Zoning Commission
January 16, 2020

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January 16, 2020

<u>Case #</u> <u>Applicant</u>	<u>Request</u>	<u>Commission</u> <u>District</u>	<u>Recommendations</u> <u>Staff</u>	<u>PZC</u>	<u>BCC Hearing</u> <u>Required</u>
I. REZONING PUBLIC HEARINGS					
RZ-19-12-060 Lazaro Fruto	<i>C-2 to NAC</i>	6	Approval with one (1) restriction & two (2) variances	Approval with one (1) restriction & two (2) variances	No
RZ-20-01-065 William Campbell	<i>R-1A to C-2</i>	3	Denial	Approval	No
RZ-20-01-066 Phil Kruse	<i>R-1A to R-1</i>	5	Approval	Approval	No
RZ-20-01-069 Abdellatif Rizq	<i>A-2 to R-T-1</i>	5	Approval with one (1) restriction	Approval with one (1) restriction	No
RZ-20-01-070 Mustapha Moutchou	<i>C-1 & R-3 to C-1 & C-2</i>	6	Denial	Approval	No
RZ-20-01-071 Edward Fore, Esq.	<i>R-1A to I-2/I-3</i>	5	Approval with two (2) restrictions	Approval with two (2) restrictions	No
Z-20-01-076 Dan Creighton	<i>A-2 to I-1/I-5</i>	4	Approval with three (3) restrictions	Approval with three (3) restrictions	No
RZ-20-01-077 Edward Durruthy	<i>R-1A to R-1</i>	3	Approval	Approval	No
RZ-20-01-078 Peter Duke	<i>R-1A to R-1</i>	3	Approval	Approval	No
RZ-20-01-079 Ravin Persaud	<i>A-2 to C-1</i>	3	<i>Continued</i>	<i>Continued</i>	No

RZ-20-01-080
Chris Dougherty

C-1 to C-2

3

Approval
with six (6)
restrictions

Approval
with seven
(7)
restrictions

No

II. PLANNED DEVELOPMENT REZONING PUBLIC HEARINGS

LUP-18-10-354
Kathy Hattaway
Serenade at Ovation
Planned Development (PD)

A-1 & A-2 to PD

1

Approval
with five (5)
waivers and
twenty-one
(21)
conditions

Approval
with five (5)
waivers and
twenty-one
(21)
conditions

Yes

LUP-18-12-410
Kathy Hattaway
Cross
Planned Development (PD)

A-1 & A-2 to PD

1

Approval
with six (6)
waivers and
twenty-one
(21)
conditions

Approval
with six (6)
waivers and
twenty-one
(21)
conditions

Yes

LUP-19-02-052
Kathy Hattaway
Horizon West Village I
Parcel 1
Planned Development (PD)

A-1 to PD

1

Approval
with (19)
nineteen
conditions

Approval
with (19)
nineteen
conditions

Yes

SITE and BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)	
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>	
	Mobile Home - 2 acres								
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>	
	Mobile Home - 2 acres								
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	<i>a</i>	
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	<i>a</i>	
R-CE-2	2 acres	1,200	250	45	50	30	35	<i>a</i>	
R-CE-5	5 acres	1,200	185	50	50	45	35	<i>a</i>	
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	<i>a</i>	
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	<i>a</i>	
R-1AA	10,000	1,200	85	25 <i>h</i>	30 <i>h</i>	7.5	35	<i>a</i>	
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	<i>a</i>	
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>	
R-2	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>	
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	30	5 <i>h</i>	35	<i>a</i>	
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>	
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>	
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5	35	<i>a</i>	
	Two DUs, 8,000/9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>	
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>	
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>	
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	<i>a</i>	
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	35	<i>a</i>	
R-T-1	SFR	4,500 <i>c</i>	1,000	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
	Mobile home	4,500 <i>c</i>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
R-T-2	6,000	SFR 500	60	25	25	6	35	<i>a</i>	
(prior to 1/29/73)			Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	<i>a</i>	
			Min. mobile home size 8 ft. x 35 ft.						

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail <i>k</i>	<i>a</i>
Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>	
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail <i>k</i>	<i>a</i>
Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>	
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	<i>a</i>
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	<i>a</i>

District	Min. lot area (sq. ft.) ^m	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) ^a	Min. rear yard (ft.) ^a	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets ^f	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	^a
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets ^g	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	^a

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

- ^a Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
- ^b Side setback is 30 feet where adjacent to single-family district.
- ^c For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
- ^d For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. For duplex lots that:
 - (i) are either platted or lots of record existing prior to 3/3/97, and
 - (ii) are 75 feet in width or greater, but are less than 90 feet, and
 - (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
- ^e Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
- ^f Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
- ^g Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
- ^h For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
- ^j Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
- ^k Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed use development, which shall have a maximum impervious surface ratio of 80%.
- ^m Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

BUFFER YARD REQUIREMENTS

Orange County Code Section 24-5.

Buffer yards prescribed are intended to reduce, both visually and physically, any negative impacts associated with abutting uses. Buffer yards shall be located on the outer perimeter of a lot or parcel, extending to the parcel boundary. Buffer yards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

(a) **Buffer classifications:**

- (1) **Type A, opaque buffer:** This buffer classification shall be used to separate heavy industrial (I-4 and M-1) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least eight (8) feet and shall be a minimum of fifty (50) feet wide. The type A buffer shall utilize a masonry wall.
- (2) **Type B, opaque buffer:** This buffer classification shall be used to separate commercial (general and wholesale) (C-2 and C-3) and industrial (general and light) (I-2/I-3 and I-1/I-5) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of twenty-five (25) feet wide. The type B buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be four (4) feet high and seventy (70) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (3) **Type C, opaque buffer.** This buffer classification shall be used to separate neighborhood retail commercial (C-1) and industrial-restricted (I-1A) from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of fifteen (15) feet wide. The type C buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (4) **Type D, opaque buffer:** This buffer classification shall be used to separate professional office (P-O) uses from all residential uses. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. The type D buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer. This buffer must be three (3) feet high and fifty (50) percent opaque at planting and be capable of attaining full height and opacity within three (3) years.
- (5) **Type E, mobile home and RV park buffer:** This buffer classification shall be used to separate mobile home and RV parks from all abutting uses. This buffer shall be twenty-five (25) feet wide. Where the park abuts an arterial highway, the buffer shall be fifty (50) feet wide. This buffer shall not be considered to be part of an abutting mobile home space, nor shall such buffer be used as part of the required recreation area or drainage system (ditch or canal). This buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof. This buffer must be at least five (5) feet in height and fifty (50) percent opaque within eighteen (18) months after installation.
- (6) **Type F, residential subdivision buffer:** See subdivision regulations (Chapter 34, Orange County Code).

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

CASE # RZ-19-12-060

Commission District: #6

GENERAL INFORMATION

APPLICANT	Lazaro Fruto
OWNERS	Lazaro Fruto
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-2 (General Commercial District) to NAC (Neighborhood Activity Center)
LOCATION	2608 S. Westmoreland Drive; or generally west of S. Westmoreland Drive, approximately 50 feet north of W. Michigan Street
PARCEL ID NUMBER	03-23-29-0180-52-231
TRACT SIZE	0.15-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 600 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred seventy-seven (177) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Triplex (Three (3) attached residential dwelling units)

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NAC (Neighborhood Activity Center), subject to the following variances and restriction:

Variances:

- 1) A variance from Orange County Code Section 38-1501 to allow for a minimum lot width of 67.5 feet, in lieu of the required 85-foot lot width in the NAC zoning district; and
- 2) A variance from Orange County Code Section 38-1501 to allow for a minimum lot area of 6,534 square feet, in lieu of the required 11,250 square foot lot area in the NAC zoning district.

Restriction:

- 1) The applicant / developer shall submit a site plan for approval by the Zoning Division prior to the accommodation of any NAC uses.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the subject property from C-2 (General Commercial District) to NAC (Neighborhood Activity Center), and request two (2) variances for lot size and lot width. The NAC zoning allows for triplex units.

The property is currently developed with an abandoned triplex residential structure constructed in 1952, according to the Property Appraiser's website.

On March 4, 2019, the property received a Code Enforcement violation (incident #527878). The past owner "Gugabele1 Inc." attended a Special Magistrate hearing for abatement. Corrective action required the owner to either repair or demolish all accessory structures on the property by August 2019. The Special Magistrate stated that all structures must be maintained structurally sound and in good repair or demolished under Orange County permit.

The current owner (Applicant) purchased the property with the existing code enforcement violation. There is currently a lien and fines on the property. As of the date of this report, the house is still vacant/dilapidated and fines are accruing until all violations are corrected or a demo permit is pulled and the house is demolished.

As a result of the Code Enforcement violations, the applicant applied for a building permit (B19915857) on September 21, 2019, to renovate and expand the triplex. The permit is currently on-hold pending this rezoning request.

The immediate area is developed with a combination of single-family detached dwelling units, duplexes, and commercial/office buildings. The proposed use is compatible with the character of the surrounding area.

Land Use Compatibility

The NAC (Neighborhood Activity Center) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This subject property is located within the Holden Heights Overlay District
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Incident#:527878/ Case #:SM-2019-397683H Inspector: Frank Gibbs Description: Abatement/Unsafe structure

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Neighborhood Activity Corridor (NAC). The NAC FLUM designation allows for pedestrian-oriented development that can support a variety of residential and support uses, including single-family residential, multi-family residential, apartment development above offices and retail - including loft options, complemented by offices, commercial and residential support services. The requested NAC (Neighborhood Activity Corridor District) zoning is consistent with the NAC FLUM designation and with the following Comprehensive Plan provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project

and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

FLU8.3.3 states that Orange County shall follow the specific development regulations to implement the Neighborhood Center, Neighborhood Activity Center, and Neighborhood Residential land use designations consistent with the intent of promoting neighborhood serving goals.

FLU8.3.4 states that Orange County will reinforce the residential character of the Holden Heights neighborhood by encouraging the planning and design of new development to complement the architectural design and features with the existing neighborhood character.

SITE DATA

Existing Use	Abandoned Triplex
Adjacent Zoning	N: R-2 (Residential District) (1964) E: C-2 (General Commercial District) (1964) W: C-2 (General Commercial District) (1964) R-1A (Single Family Dwelling District) (1957) S: C-2 (General Commercial District) (1964) <i>*No restrictions apply to the above zoning districts</i>
Adjacent Land Uses	N: Single-Family Residential E: Store/Office W: Store/Office S: Single-Family Residential (vacant)

NAC (NEIGHBORHOOD ACTIVITY CORRIDOR DISTRICT) DEVELOPMENT STANDARDS*

Non-Residential and Mixed Use Development

Min. Lot Area:	6,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	50 ft.
Min. Living Area:	500 sq. ft.
Building Setbacks:	
<i>Front:</i>	0 ft., 10 ft. maximum (60% of building frontage must conform to maximum setback)
<i>Rear:</i>	15 ft. (20 ft. adjacent to single-family zoning district)

Side: 10 ft. (0 ft. if buildings are adjoining)

One Dwelling Unit

Min. Lot Area: 4,500 sq. ft.

Min. Lot Width: 45 ft.

Max. Height: 35 ft.

Min. Living Area: 1,000 sq. ft.

Building Setbacks:

Front: 20 ft.

Rear: 20 ft.

Side: 5 ft.

Two Dwelling Units

Min. Lot Area: 11,250 sq. ft.

Min. Lot Width: 80 ft.

Max. Height: 35 ft.

Min. Living Area: 500 sq. ft.

Building Setbacks:

Front: 20 ft.

Rear: 20 ft.

Side: 5 ft.

Three Dwelling Units

Min. Lot Area: 11,250 sq. ft.

Min. Lot Width: 85 ft.

Max. Height: 35 ft.

Min. Living Area: 500 sq. ft. per dwelling unit

Building Setbacks:

Front: 20 ft.

Rear: 20 ft.

Side: 10 ft.

Four or More Dwelling Units

Min. Lot Area: 1,000 sq. ft. plus 2,000 per dwelling unit

Min. Lot Width: 85 ft.

Max. Height: 50 ft. (65 ft. with ground level retail)

Min. Living Area: 500 sq. ft. per dwelling unit

Building Setbacks:

Front: 20 ft.

Rear: 20 ft.

Side: 10 ft.

Townhouse

Min. Lot Area: 1,800 sq. ft.
 Min. Lot Width: 20 ft.

Max. Height: 40 ft.
 Min. Living Area: 750 sq. ft. per dwelling unit

Building Setbacks:

Front: 25 ft., 15ft. for rear entry driveway
 Rear: 20 ft., 15 ft. for rear entry garage
 Side: 0 ft. (10 ft. for end units)

* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

The intent of the NAC neighborhood activity corridor district is to provide a mixture of land uses along the main roadways serving an urban community in need of redevelopment. The NAC district is intended as a vital, pedestrian-oriented district that can support a variety of residential and support uses at an intensity greater than the surrounding neighborhoods, but less intense than the NC district. The NAC district should contain a variety of multi-family units, including townhouses, apartments above offices and retail, and loft options, complemented by offices, commercial and residential support services, residential, and limited retail space. This intent and purpose are consistent with Future Land Use Element Policy FLU8.3.1 of the Orange County 2010-2030 Comprehensive Plan. These NAC neighborhood activity corridor district regulations shall be administered by the county zoning division, except that any non-zoning aspects of these regulations shall be administered by the appropriate department or division.

Intent, Purpose, and Uses

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.</p> <p>Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous</p>

			waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility (AMA) the following is a list of alternative modes within the project area: Orange County maintained sidewalks exist along W. Michigan St from I-4 ramp to S. Orange Blossom TL. There are State maintained sidewalks along S. Orange Blossom Trail from I-4 ramp to W. Kaley Ave. LYNX bus Link #40 Americana Blvd/Universal Orlando; #7 Downtown Orlando/Florida Mall; #8 W. Oak Ridge Road/International Dr; #300 LYNX 3D Downtown Orlando/Hotel Plaza; #38 Downtown Orlando/International Dr; 441 FastLYNX441; #50 Downtown Orlando/Magic Kingdom. There are six (6) existing bus stops within the project area.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orlando Utilities Commission

Waste Water: Orange County Utilities 8-inch gravity main within Westmoreland right-of-way

Reclaim Water: City of Orlando

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 16, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NAC (Neighborhood Activity Center), subject to the following variances and restriction:

Variances:

- 1) A variance from Orange County Code Section 38-1501 to allow for a minimum lot width of 67.5 feet, in lieu of the required 85-foot lot width in the NAC zoning district; and,
- 2) A variance from Orange County Code Section 38-1501 to allow for a minimum lot area of 6,534 square feet, in lieu of the required 11,250 square foot lot area in the NAC zoning district.

Restriction:

- 1) Prior to approval of the proposed residential use, the applicant / developer shall submit a site plan to demonstrate compliance with all applicable Orange County Code requirements.
- 2) The subject property shall be limited to three (3) residential units.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested NAC (Neighborhood Activity Center) Zoning. Staff noted a change to the restriction language to provide more clarification. The applicant was present and agreed with the staff recommendation. No members of the public were present.

Staff indicated that one hundred seventy-seven (177) notices were sent to property owners extending beyond 600 feet surrounding the property, and that staff had received zero (0) responses in favor, and one (1) response in opposition of the request, which stated the propose project was not compatible with the surrounding properties. Zero members of the public were present to speak on the request.

After a brief discussion regarding the propose triplex layout, the outstanding Code Enforcement violations, a motion was made by Commissioner Wade, and seconded by Commissioner Velazquez to recommend APPROVAL of the requested NAC (Neighborhood Activity Center) zoning with the added restriction to limit the property to three (3) units. The motion carried on a 6-0 vote.

Motion / Second

JaJa Wade / Diane Velazquez

Voting in Favor

JaJa Wade, Diane Velazquez, Mohammed Abdallah, Eddie Fernandez, Jimmy Dunn, and Gordon Spears

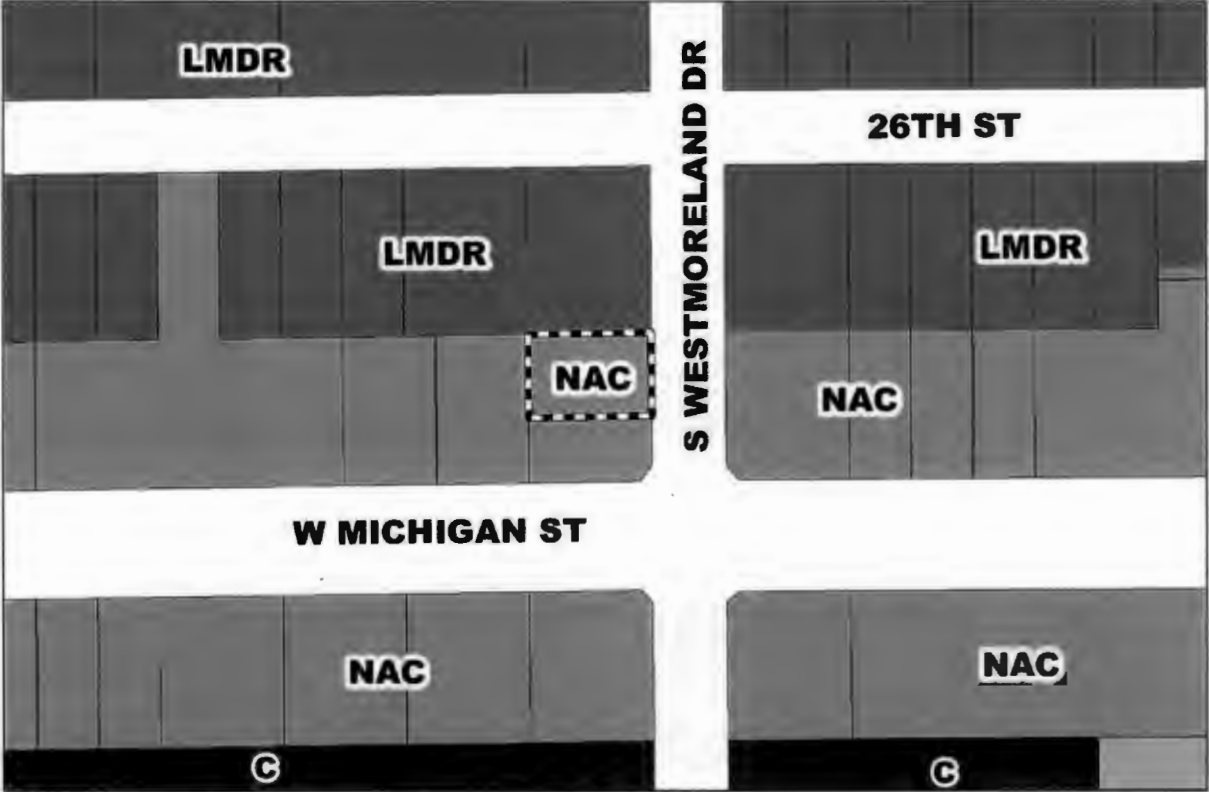
Voting in Opposition

None

Absent

Carlos Nazario

RZ-19-12-060



Subject Property



★ Subject Property

Future Land Use Map

FLUM: Neighborhood Activity Corridor (NAC)

APPLICANT: Lazaro Fruto

LOCATION: 2608 S. Westmoreland Drive; or generally west of S. Westmoreland Drive, approximately 50 feet north of W. Michigan Street

TRACT SIZE: 0.15-gross acre

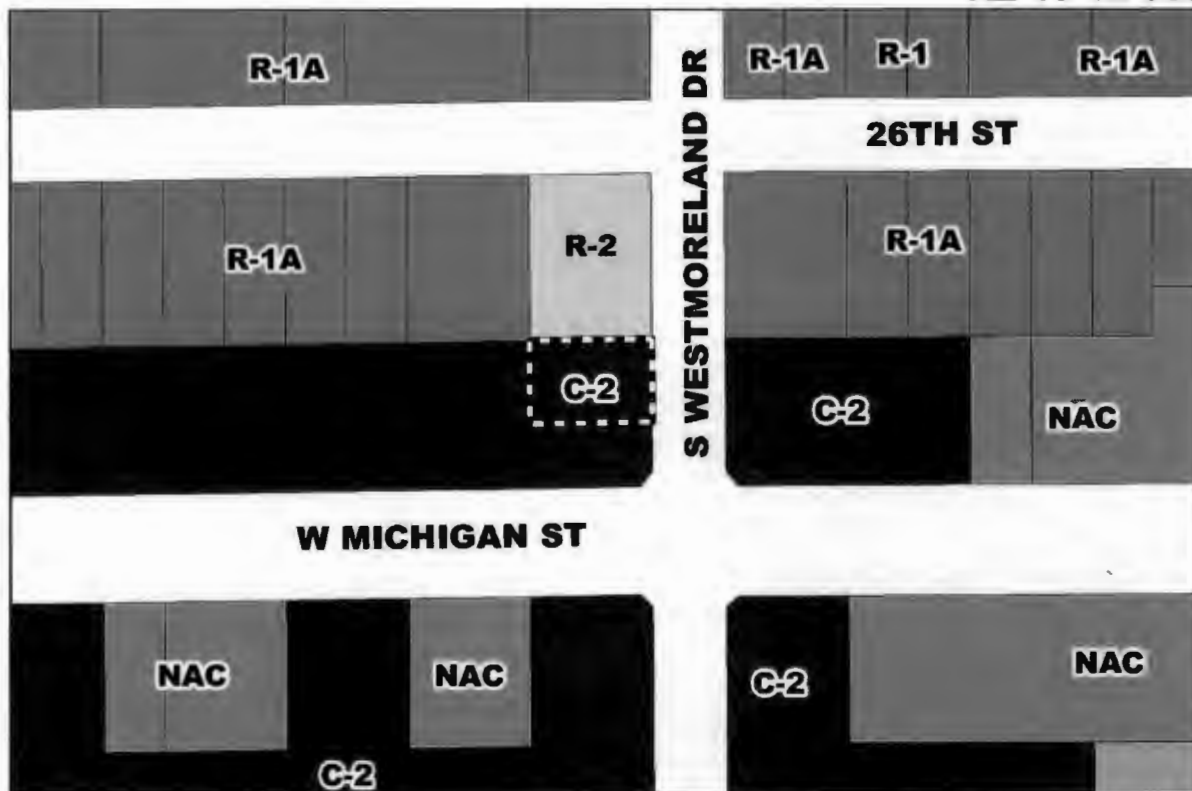
DISTRICT: 6

S/T/R: 03/23/29

1 inch = 125 feet



RZ-19-12-060



Subject Property



Subject Property

Zoning Map

ZONING: C-2 (General Commercial District) to NAC (Neighborhood Activity Center)

APPLICANT: Lazaro Fruto

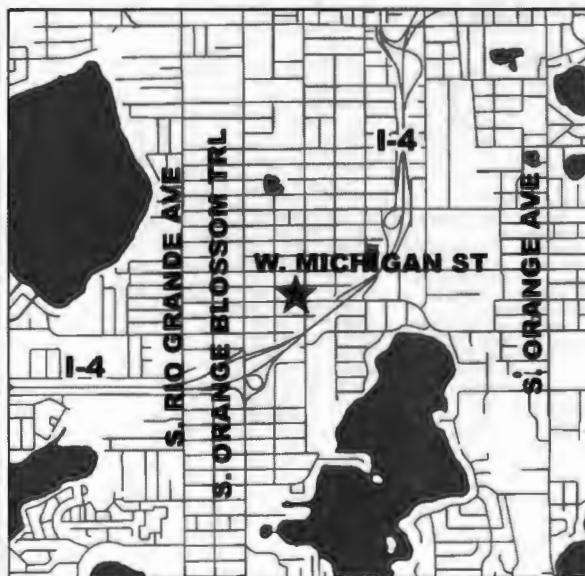
LOCATION: 2608 S. Westmoreland Drive; or generally west of S. Westmoreland Drive, approximately 50 feet north of W. Michigan Street

TRACT SIZE: 0.15-gross acre

DISTRICT: 6

S/T/R: 03/23/29

1 inch = 125 feet



RZ-19-12-060



 Subject Property




















1 inch = 125 feet

Alternative Mobility Area Context Map

**RZ-19-12-060
 Rezone C-2 to NAC
 (3) multi-family units.**

Legend

-  LYNX Bus Stops
-  LYNX Bus Stop Shelters
-  LYNX Park And Ride
-  LYNX Bus Route Schedule
-  Major Streets
-  Roads Base
-  Segment_ID
-  City Sidewalk
-  County Sidewalk
-  Private Sidewalk
-  State Sidewalk
-  Major Streets
-  Streets
-  PA_PARCELS_Buffer362
-  Horizon West Boundary
-  County Boundary
-  Parcels

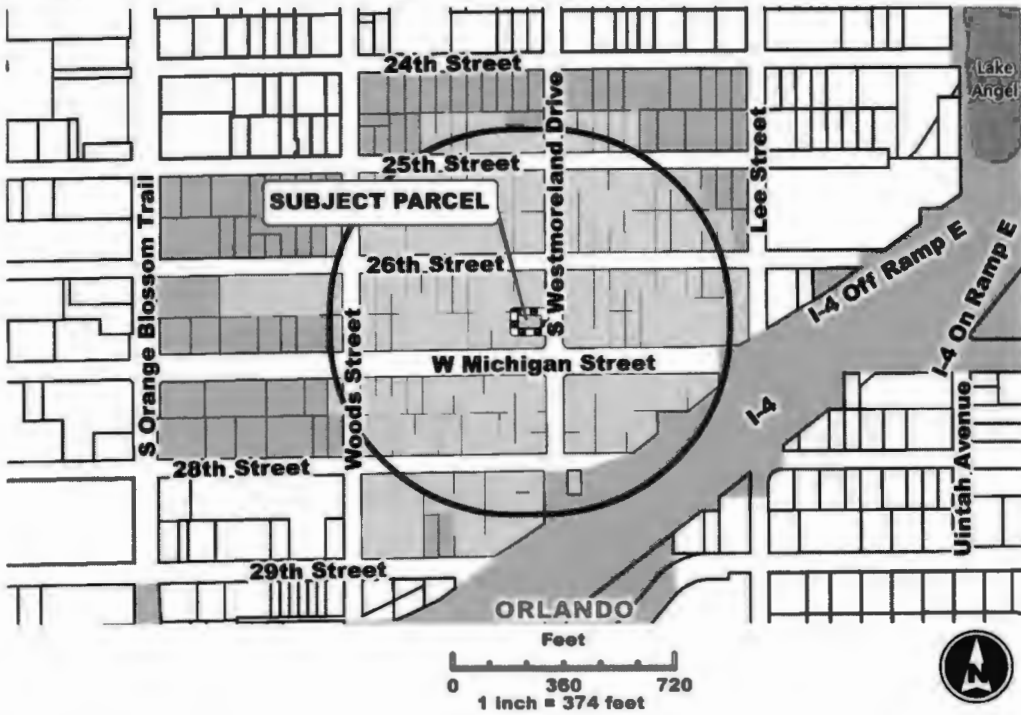


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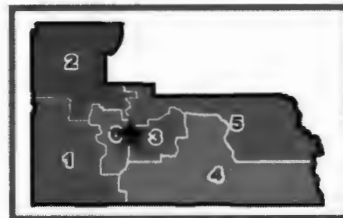
Public Notification Map

RZ-19-12-060_2608 S Westmoreland Drive



- MAP LEGEND**
- SUBJECT
 - 600 FT BUFFER
 - HYDROLOGY
 - NOTIFIED PARCELS
 - COURTESY PARCELS
 - PARCELS

600 : FT BUFFER
 177 : NOTICES
 45 : RESIDENTIAL COUNT



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Notification Map

Case # RZ-19-12-060
 Orange County Planning Division
 PZC Hearing Date: January 16, 2020

CASE # RZ-20-01-065
Commission District: #3

GENERAL INFORMATION

APPLICANT	William E. Campbell
OWNERS	William E. Campbell
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to C-2 (General Commercial District)
LOCATION	311 N. Goldenrod Road, or generally east of Goldenrod Road, approximately 1,270 feet north of Bryan Road
PARCEL ID NUMBER	26-22-30-0000-00-016
TRACT SIZE	0.65-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 700 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two hundred fifty (250) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Contractor Office with Indoor Storage and Overnight Parking of Vehicles

STAFF RECOMMENDATION

PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning.

ALTERNATIVE RECOMMENDATION

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the C-1 (Retail Commercial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and

- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-1 uses.

SUBJECT PROPERTY ANALYSIS

Overview

The subject property is currently developed with a single-family residence. The surrounding area consists of varying levels of residential development with commercial uses located along the N. Goldenrod Road corridor.

While there are several high intensity commercial and industrial uses in the N. Goldenrod Road corridor, no rezoning requests to a zoning district more intense than C-1 (Retail Commercial District) have been approved in the last ten (10) years. The C-1 zoning district would allow for the contractor office and indoor storage uses, but not the overnight parking of vehicles.

Through this request, the applicant is seeking to rezone the 0.65 acre property from R-1A (Single-Family Dwelling District) to C-2 (General Commercial District) for a contractor office with indoor storage and overnight parking of vehicles use.

Land Use Compatibility

While the C-2 (General Commercial District) zoning is compatible with the underlying Future Land Use Map (FLUM) designation, it may allow for development that is incompatible with the character of the surrounding area and adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The subject property is located within Airport Noise Zone "E". Any required noise mitigation will be required at permitting.
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation, therefore a CP amendment is not necessary. While the proposed request is consistent with the underlying FLUM designation, it is inconsistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Single-Family Residential
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957) E: R-2 (Residential District) (1986) W: C-1 (Retail Commercial District) (1971) S: C-2 (General Commercial District)* (1994) <i>*Outdoor Storage and Display is Prohibited</i>
Adjacent Land Uses	N: Place of Worship E: Single-Family Residential W: Contractor Storage S: Contractor Storage

C-2 (General Commercial District) Development Standards

Min. Lot Area: 8,000 sq. ft.
 Min. Lot Width: 100 ft. (on major streets, see Article XV)
 80 ft. (on all other streets)
 Max. Height: 50 ft. (35 ft. within 100 ft. of residential)
 Min. Floor Area: 500 sq. ft.

Building Setbacks

Front: 25 ft.
 Rear: 15 ft. (20 ft. when abutting residential)
 Side: 5 ft. (25 ft. when abutting residential)

Intent, Purpose, and Uses

The intent and purpose of the C-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is only promoted within the urban service area where uses of this intensity have already been established.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and include new and used automobile sales; car rental and leasing; auto painting and body shops; special trade contractors' offices (storage, equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See note below table*
Transportation / Access	<input type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area: There are existing State maintained sidewalks along the property frontage along N. Goldenrod Road from Valencia Collage Lane to Lake Underhill Road. A mobility analysis may be required for this project at the time of permitting.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

* Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal. There are specific guidelines and limitations for commercial and industrial uses.

Any miscellaneous garbage, waste and construction debris or demolition debris, or waste material found on site during clearing and grading shall be properly disposed of off-site according to the solid waste and hazardous waste regulations.

The southern boundary of this site is located 0.248 mile outside the Orlando Range & Chemical Yard formerly known as the Orlando Army Airfield (OAA) Toxic Gas & Decontamination Yard. The applicant should use caution in the event any unexploded ordinance or chemical residue is discovered during site studies, surveying or clearing. As a general safety precaution, all site workers should be trained if any suspicious items are located. Should anyone encounter or suspect they have encountered munitions, it is vitally important that they follow the U.S. Army Corps of Engineers recommended "3 Rs": Recognize the item may be dangerous, Retreat and do not touch it, and Report the location to the local Sheriff's office immediately. For further information visit www.saj.usace.army.mil and click on Formerly Used Defense Sites (FUDS) and then click on the Orlando Range and Chemical Yard link or call 1-800-291-9413. Note that in some areas, unexploded ordinance and bomb debris fragments have been located up to one-quarter mile outside of the bombing range boundary.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water:	Orange County Utilities	An 16-inch watermain is located within the Goldenrod right-of-way
Wastewater:	Orange County Utilities	An 8-inch watermain is located within the Goldenrod right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant

shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 16, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the C-2 (General Commercial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-1 uses; and
- 3) Uses shall be limited to C-1 uses and the C-2 use of overnight parking of commercial vehicles only.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) Zoning. The applicant was present and disagreed with the staff recommendation.

Staff indicated that two hundred fifty (250) notices were sent to property owners extending beyond 700 feet surrounding the property, and that staff had received zero (0) commentaries in response to the request. Zero (0) members of the public were present to speak on this request.

After discussion addressing the proposed use of the property, compatibility with the surrounding area, and the zoning history of the surrounding area, a motion was made by Commissioner Fernandez, and seconded by Commissioner Dunn to recommend APPROVAL of the requested C-2 zoning, subject to restrictions. The motion carried on a 7-0 vote.

Motion / Second

Eddie Fernandez / Jimmy Dunn

Voting in Favor

Eddie Fernandez, Jimmy Dunn, Jaja Wade, Mohammed Abdallah, Diane Velazquez, Gordon Spears and Carlos Nazario

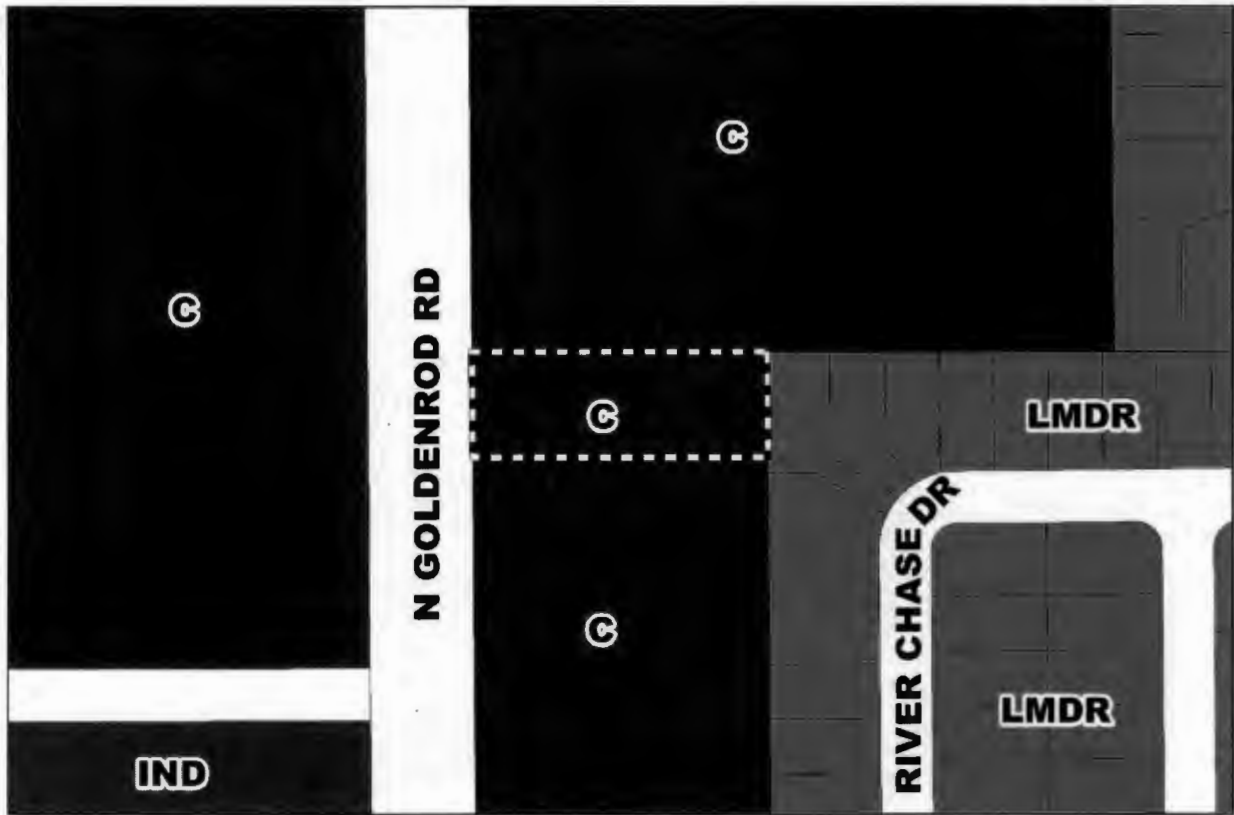
Voting in Opposition

None

Absent

None

RZ-20-01-065



 Subject Property



 Subject Property

Future Land Use Map

FLUM: Commercial

APPLICANT: William E. Campbell

LOCATION: 311 N. Goldenrod Road, or generally east of Goldenrod Road, approximately 1,270 feet north of Bryan Road.

TRACT SIZE: 0.65 gross acre

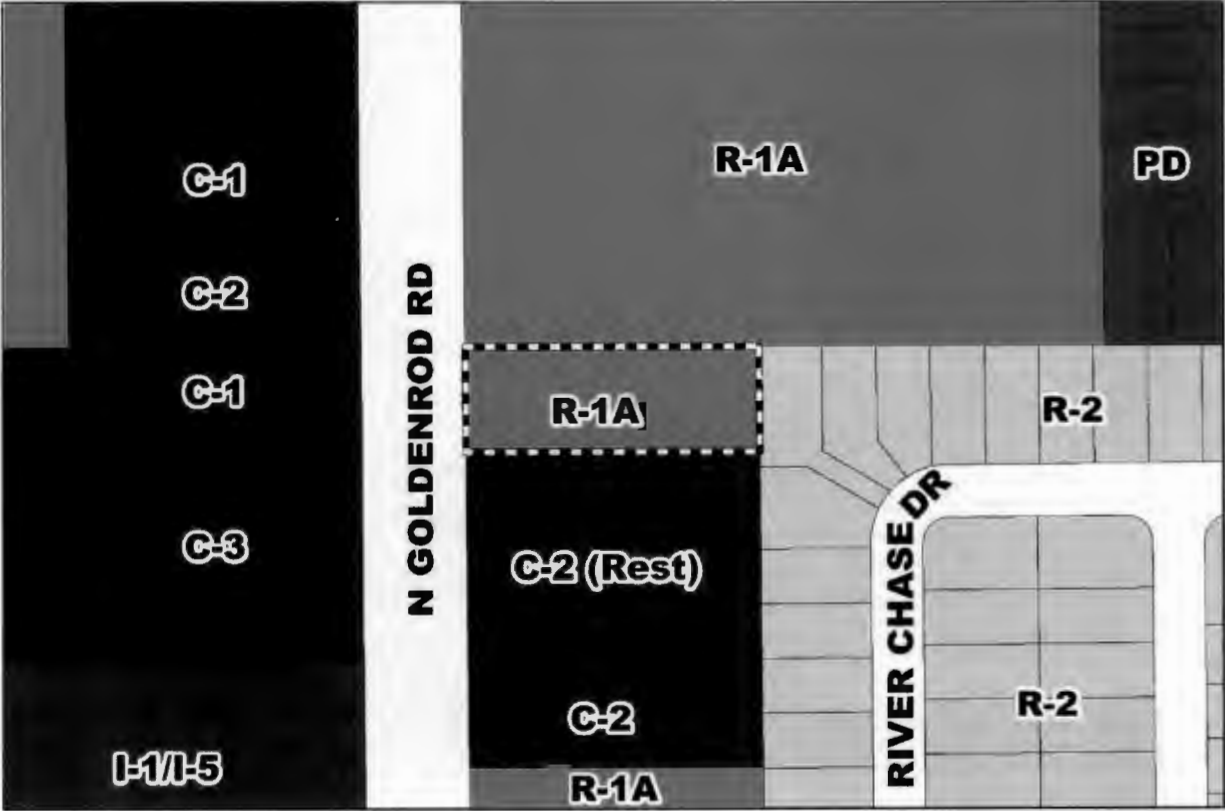
DISTRICT: # 3

S/T/R: 26/22/30

1 inch = 150 feet



RZ-20-01-065



Subject Property



Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to C-2 (General Commercial District)

APPLICANT: William E. Campbell

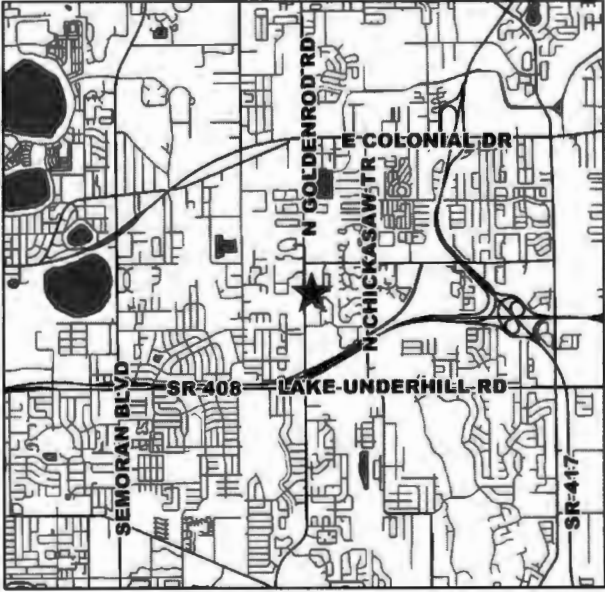
LOCATION: 311 N. Goldenrod Road, or generally east of Goldenrod Road, approximately 1,270 feet north of Bryan Road.

TRACT SIZE: 0.65 gross acre

DISTRICT: # 3

S/T/R: 26/22/30

1 inch = 150 feet



RZ-20-01-065



 Subject Property




















1 inch = 150 feet

Alternative Mobility Area Context Map

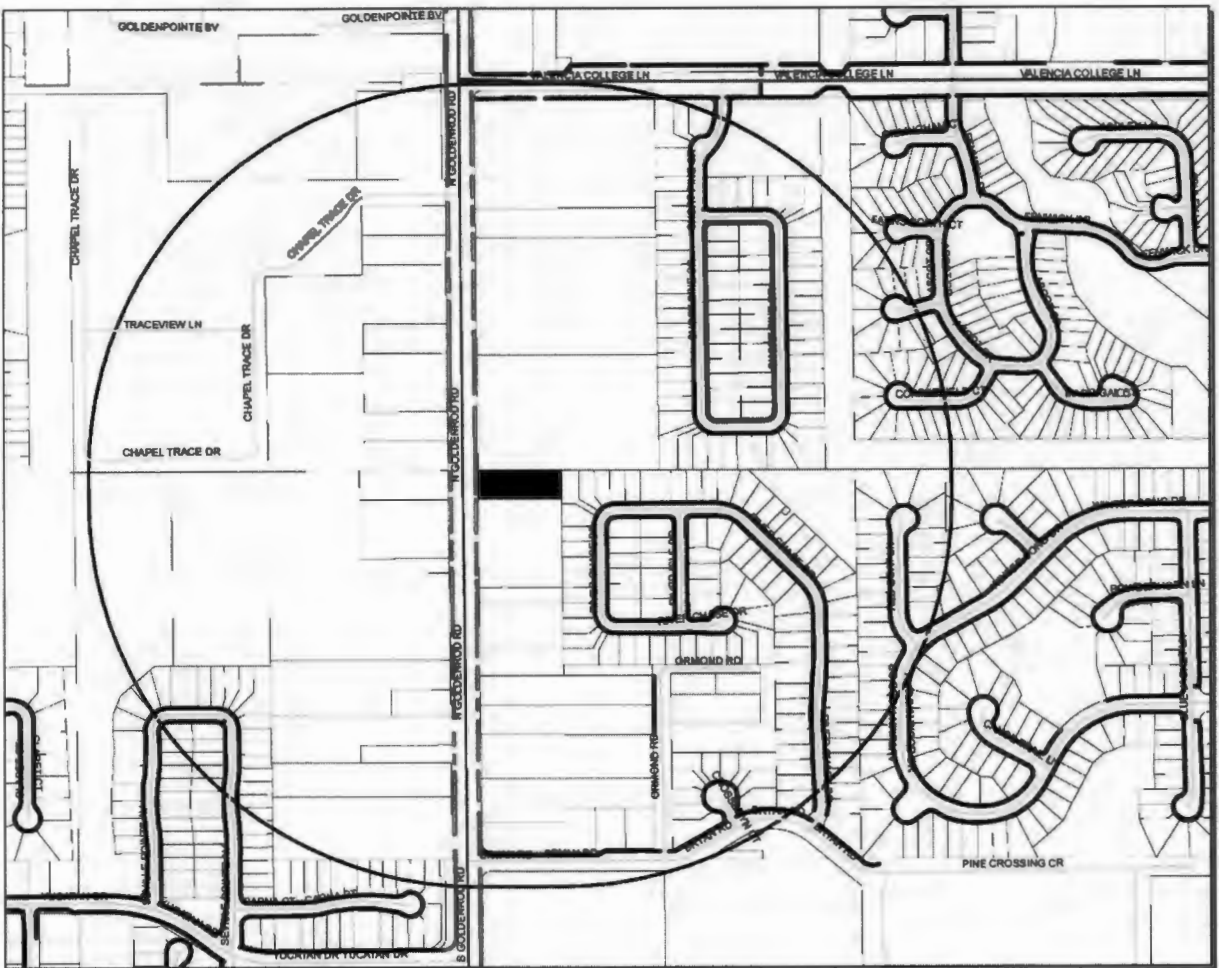
RZ-20-01-065

Legend

-  LYNX Bus Stops
-  LYNX Bus Stop Shelters
-  LYNX Park And Ride
-  LYNX Bus Route Schedule
-  Major Streets
-  Roads Base
-  Segment_ID
-  City Sidewalk
-  County Sidewalk
-  Private Sidewalk
-  State Sidewalk
-  Major Streets
-  Streets
-  PA_PARCELS_Buffer379
-  Horizon West Boundary
-  County Boundary
-  Parcels



Date: 11/22/2019

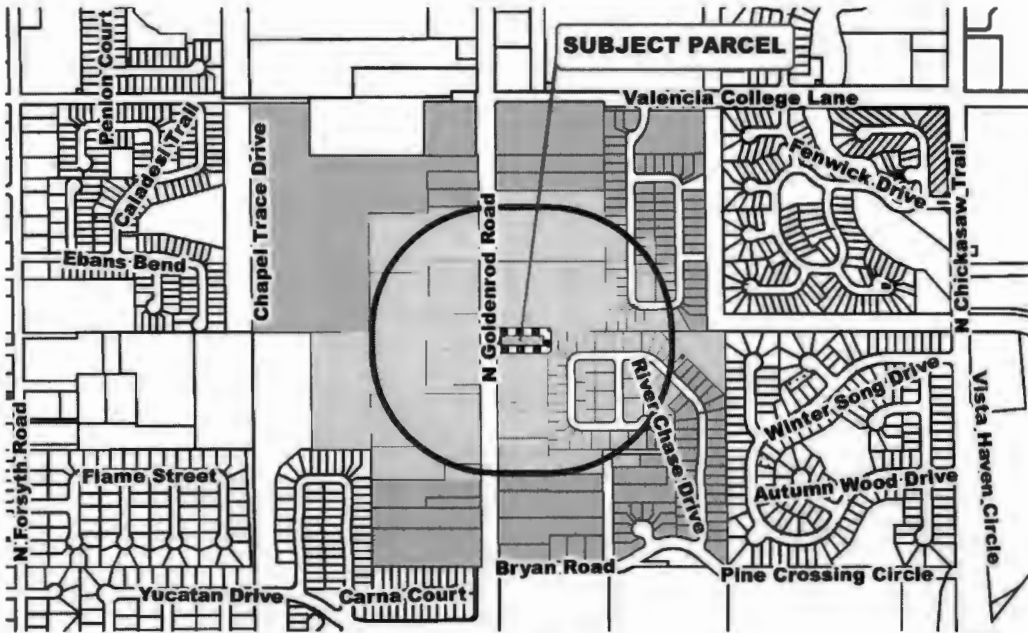


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Public Notification Map

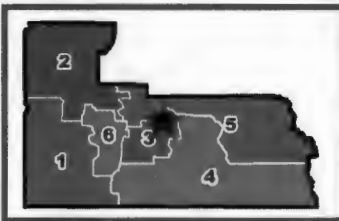
RZ-20-01-065



MAP LEGEND

- SUBJECT
- 700 FT BUFFER
- NOTIFIED PARCELS
- COURTESY PARCELS
- PARCELS

700 : FT BUFFER
250 : NOTICES
199 : RESIDENTIAL COUNT



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Notification Map

Case # RZ-20-01-065
 Orange County Planning Division
 PZC Hearing Date: January 16, 2020

CASE # RZ-20-01-066

Commission District: #5

GENERAL INFORMATION

APPLICANT	Phil Kruse
OWNERS	4320 Roush Ave, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	4320 Roush Avenue, or generally on the south side of Roush Avenue, approximately 410 feet west of Jamajo Boulevard
PARCEL ID NUMBER	21-22-30-3932-13-080
TRACT SIZE	0.34-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Eighty-nine (89) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Two (2) Single-Family Residential Dwelling Units (pending lot split approval)

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request the applicant is seeking to rezone from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to construct two (2) single-family homes (pending approval of a lot split). The surrounding area is developed with single-family residential dwelling units to the west, south and east; and, commercial uses are to the north of this property. There are three properties at the southwest corner of Jamajo Boulevard and Daubert Street which were rezoned from R-1A to R-1 in 2017. These properties are located approximately one block to the east and south of the

subject property. There are also properties in the area that have 50' lot widths but which retain a zoning designation of R-1A (minimum lot width in R-1A is 75'). The request for R-1 zoning would allow the subject parcel to be split into two 50' wide parcels.

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This subject property is located within Airport Noise Zone "E". Any required noise mitigation will be required at permitting.
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low-Medium Density Residential (LMDR). The R-1 (Single-Family Dwelling District) zoning is consistent with the Low-Medium Density Residential FLUM designation and the following Comprehensive Plan provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

GOAL FLU2 states that Orange County will encourage urban strategies such as infill development, coordinated land use and transportation planning, and mixed-use development, which promote efficient use of infrastructure, compact development and an urban experience with a range of choices and living options.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped
Adjacent Zoning	N: C-3 (Wholesale Commercial District) (1982) E: R-1A (Single-Family Dwelling District) (1957) W: R-1A (Single-Family Dwelling District) (1957) S: R-1A (Single-Family Dwelling District) (1957)
Adjacent Land Uses	N: Office E: Single-Family Residence W: Single-Family Residence S: Single-Family Residence

R-1 (SINGLE-FAMILY DWELLING DISTRICT) DEVELOPMENT STANDARDS*

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.
Building Setbacks:	
<i>Front:</i>	20 ft.
<i>Rear:</i>	20 ft.
<i>Side:</i>	5 ft.

* *These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.*

Intent, Purpose, and Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is to provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal. There are specific guidelines and limitations for commercial and industrial uses.</p> <p>Any miscellaneous garbage, waste and construction debris or demolition debris, or waste material found on site during clearing and grading shall be properly disposed of off-site according to the solid waste and hazardous waste regulations.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area: Partial existing County maintained sidewalks along Lake Baldwin Ln from Roush Av to E. Colonial Dr. LYNX bus link# 28 E. Colonial Dr./ Azalea Park; #29 E. Colonial Dr./ Goldenrod; #104 E. Colonial Dr./UCF. There are four (4) bus stops within the project area of which three (3) are sheltered stops. A mobility analysis may be required for this project.</p>
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orlando Utilities Commission

Wastewater: City of Orlando

Reclaim Water: City of Orlando

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 16, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

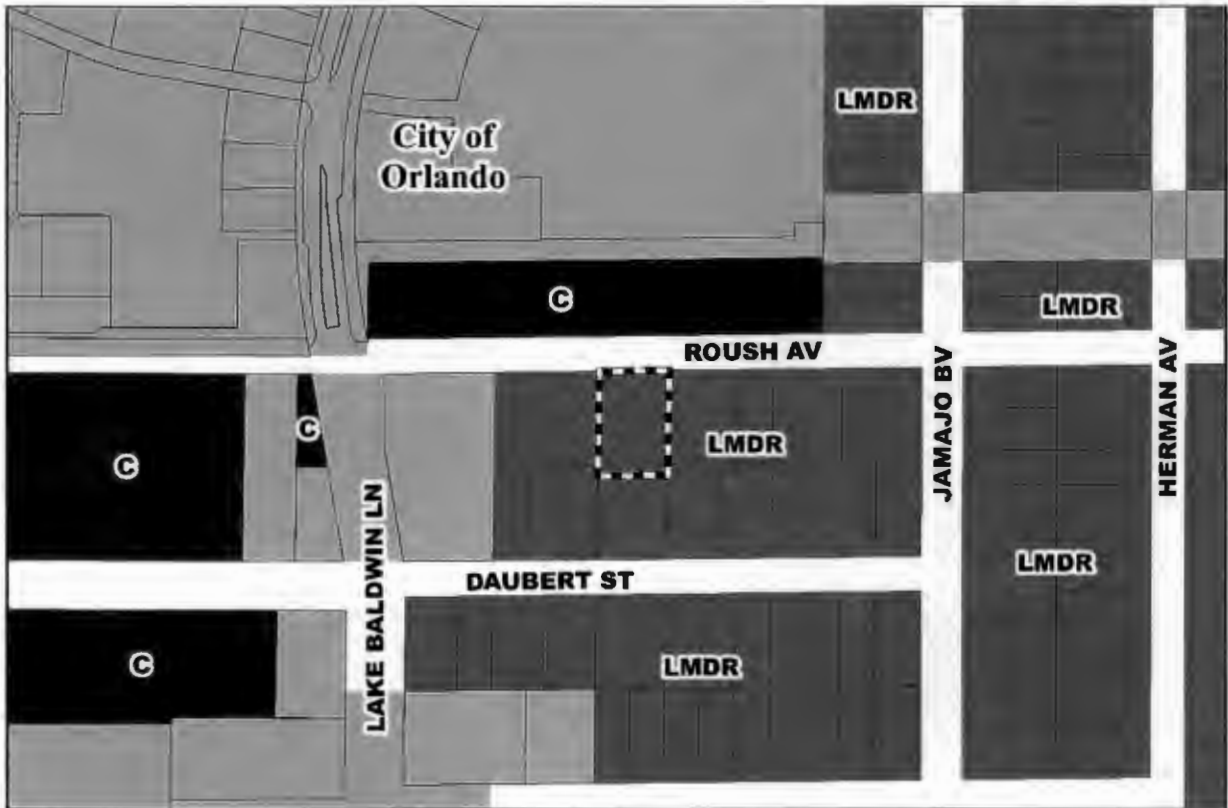
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation. No members of the public were present to speak on this request.

Staff indicated that eighty-nine (89) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received two (2) responses in favor, and zero (0) response in opposition of the request.

There was no discussion on the proposed two (2) single-family residential dwelling units. A motion was made by Commissioner Spears, and seconded by Commissioner Dunn to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 6-0 vote.

Motion / Second	<i>Gordon Spears / Jimmy Dunn</i>
Voting in Favor	<i>Gordon Spears, Jimmy Dunn, Mohammed Abdallah, Diane Velazquez, Eddie Fernandez, and JaJa Wade</i>
Voting in Opposition	<i>None</i>
Absent	<i>Carlos Nazario</i>

RZ-20-01-066



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low-Medium Density Residential (LMDR)

APPLICANT: Phil Kruse

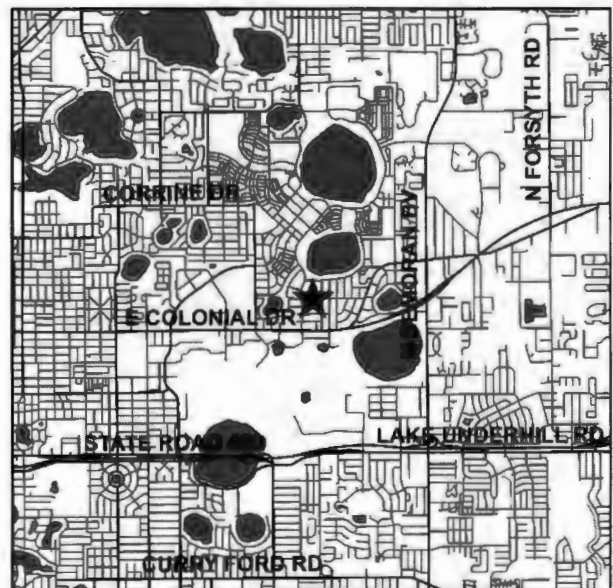
LOCATION: 4320 Roush Avenue, or generally south of Roush Avenue, approximately 410 feet west of JamaJo Boulevard

TRACT SIZE: 0.34-gross acre

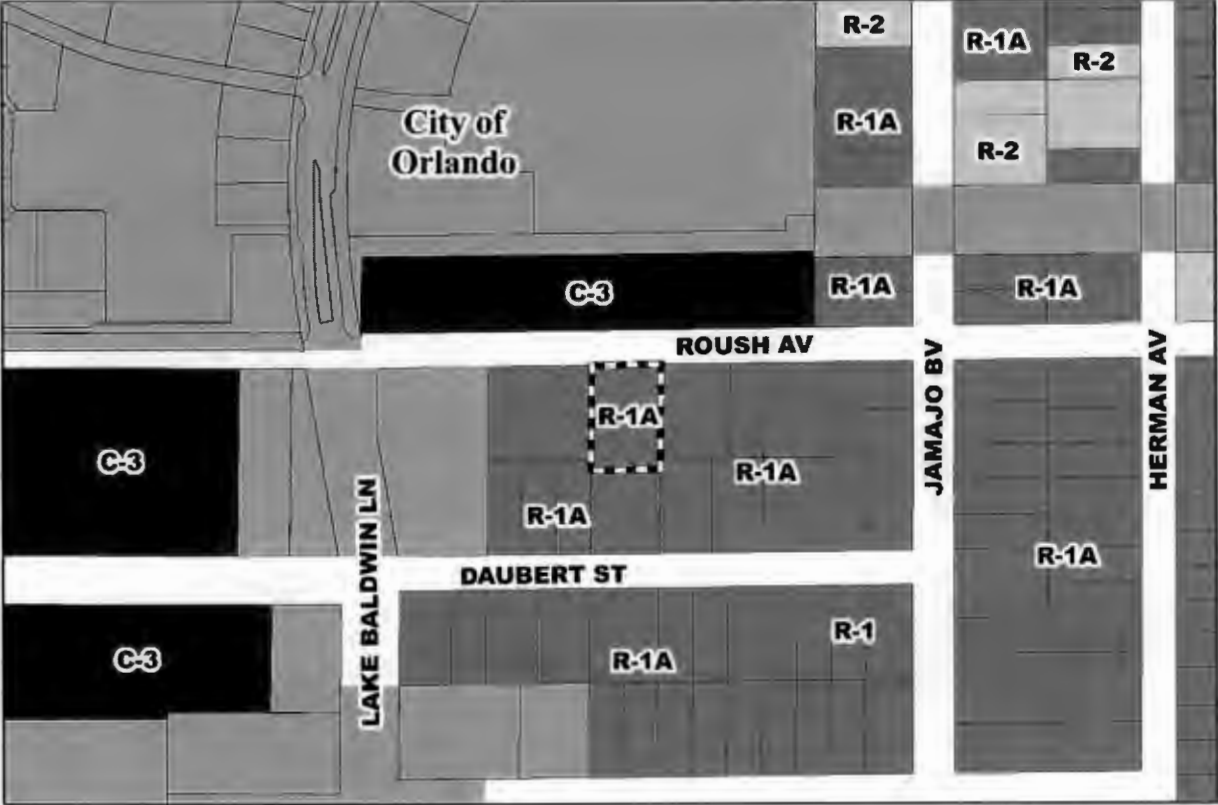
DISTRICT: 5

S/T/R: 21/22/30

1 inch = 225 feet



RZ-20-01-066



 Subject Property



 Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)

APPLICANT: Phil Kruse

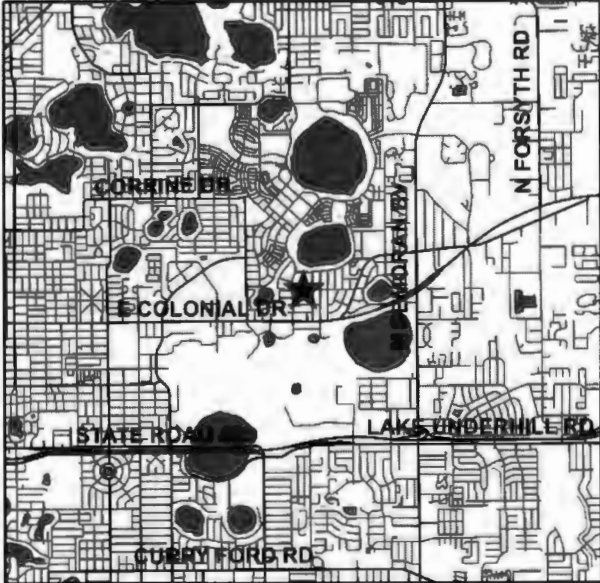
LOCATION: 4320 Roush Avenue, or generally south of Roush Avenue, approximately 410 feet west of JamaJo Boulevard

TRACT SIZE: 0.34-gross acre

DISTRICT: 5

S/T/R: 21/22/30

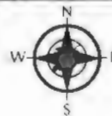
1 inch = 225 feet



RZ-20-01-066



 Subject Property



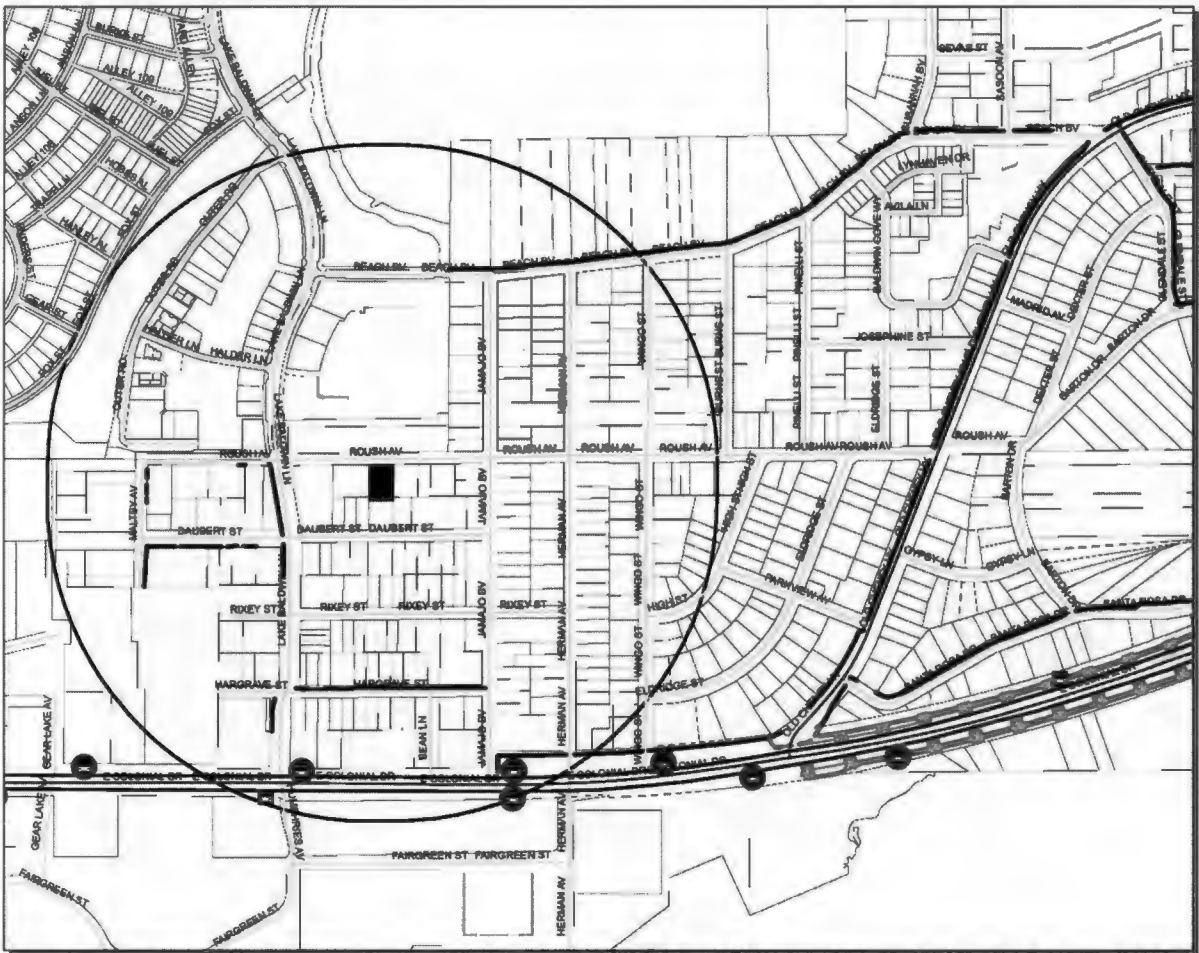
1 inch = 125 feet

Alternative Mobility Area Context Map

RZ-20-01-066

Legend

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA_PARCELS_Buffer377
- Horizon West Boundary
- County Boundary
- Parcels

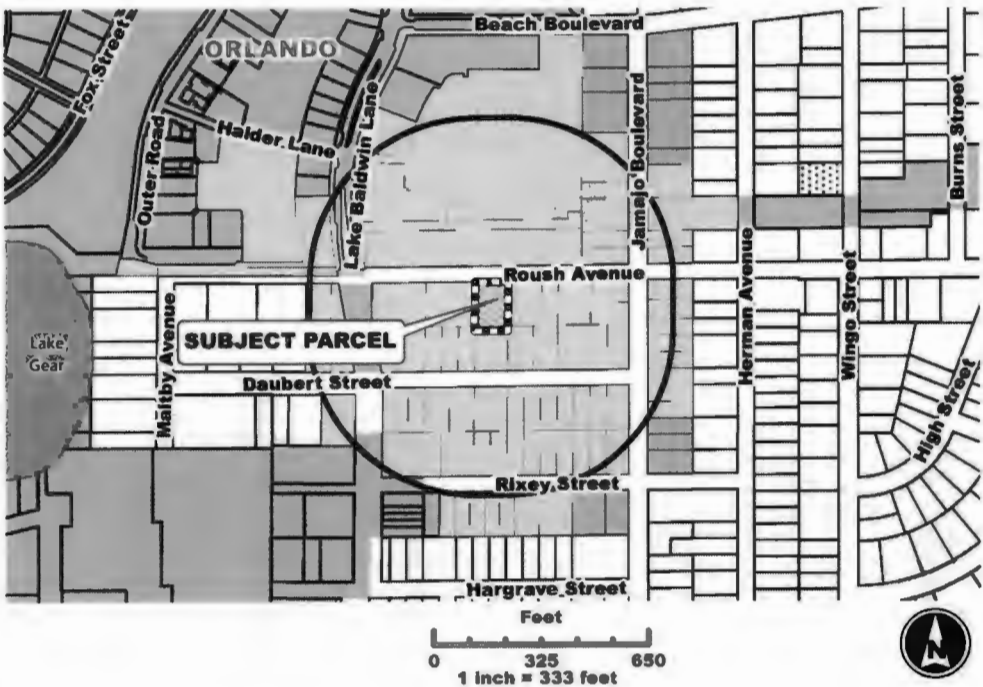


Document Path: U:\GIS 2019.mxd



Public Notification Map

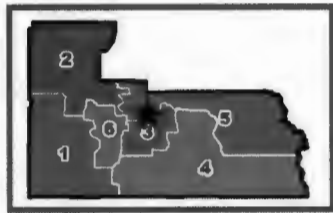
RZ-20-01-066



MAP LEGEND

- SUBJECT
- 500 FT BUFFER
- HYDROLOGY
- NOTIFIED PARCELS
- COURTESY PARCELS
- PARCELS

500 : FT BUFFER
 89 : NOTICES
 44 : RESIDENTIAL COUNT



S:\Business Systems\Board Administration\2_PZC\2020\RZ-20-01-066\RZ-20-01-066.mxd
 12/18/2019 5:04:53 PM

Notification Map

Case # RZ-20-01-066
 Orange County Planning Division
 PZC Hearing Date: January 16, 2020

CASE # RZ-20-01-069

Commission District: #5

GENERAL INFORMATION

APPLICANT	Abdellatif Rizq
OWNERS	Tiptoe International Inc.
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District) to R-T-1 (Mobile Home Park District)
LOCATION	14553 Congress Street; or generally north of Congress Street, approximately 500 feet east of Frank Street
PARCEL ID NUMBER	24-22-31-1052-04-060
TRACT SIZE	0.87-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred thirty-nine (139) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Two (2) single-family homes or mobile homes (pending approval of a lot split).

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Park District) zoning, subject to the following restriction:

- 1) The subject property shall be limited to one lot split with minimum lot widths of 100 feet for each resulting parcel.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone the subject property from A-2 (Farmland Rural District) to R-T-1 (Mobile Home Subdivision District) in order to construct two (2) single-family homes or mobile homes (pending approval of a lot split). The immediate area is developed with a combination of single-family detached dwelling units and mobile homes on varying lot sizes with the majority of lot widths in the area at 100 feet wide. For this reason, a restriction is proposed with this rezoning request to require minimum lot widths of 100 feet after the proposed lot split (the property is currently 200 feet wide).

Land Use Compatibility

The R-T-1 (Mobile Home Subdivision District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Medium Density Residential (LMDR). The proposed R-T-1 (Mobile Home Subdivision District) zoning is consistent with the LMDR FLUM designation and the following Comprehensive Plan provisions:

FLU1.4.1 states Orange County shall promote a range of living environments and employment opportunities in order to achieve a stable and diversified population and community.

FLU1.4.2 states that Orange County shall ensure that land use changes are compatible with and serve existing neighborhoods.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

OBJ H1.1 states that the County will support private sector housing production capacity sufficient to meet the housing needs of existing and future residents.

SITE DATA

Existing Use	Undeveloped
Adjacent Zoning	N: R-T (Mobile Home Park District (1979)) E: R-T-2 (Combination Mobile Home and Single Family Dwelling District) (1973) W: R-T-2 (Combination Mobile Home and Single Family Dwelling District) (1973) S: A-2 (Farmland Rural District) (1957) RT-2 (Combination Mobile Home and Single Family Dwelling District) (1973)

**No restricts apply to the above zoning districts*

Adjacent Land Uses	N: Age restricted Mobile Home Park E: Manufactured Home W: Manufactured Home S: Manufactured Home Single-Family Residential
---------------------------	---

R-T-1 (Mobile Home Subdivision District) Development Standards

Min. Lot Area:	4,500 sq. ft.
Min. Lot Width:	45 ft.
Max. Height:	35 ft.
Min. Living Area:	8 ft. x 35 ft. (minimum mobile home size)
Min. Living Area:	1,000 sq. ft. (minimum SFR size)
Building Setbacks:	
<i>Front:</i>	25 / 20 ft.
<i>Rear:</i>	25 / 20 ft.
<i>Side:</i>	5 ft.

* These regulations may not reflect the actual requirements for all situations; see the Orange County Zoning Code for actual regulations for site requirements for this zoning district.

Permitted Uses

The R-T-1 (Mobile Home Subdivision District) zoning district is composed of lands and structures where it is desirable to attain a low-medium density residential area consisting of mobile homes and single-family dwellings on single lots under individual ownership.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The site is vegetated with non-hydric and semi-hydric soils. An Orange County Conservation Area Determination (CAD) may be required, as outlined in Chapter 15, Article X Wetland Conservation Areas. There is no record that a CAD or impact permit application has been received by EPD. Refer any questions regarding Environmental Protection Division (EPD) wetland permitting to Neal Thomas: Neal.Thomas@ocfl.net, 407-836-1451.</p> <p>This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations apply. Reference Chapter 15 Article XI.</p> <p>Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and</p>

			construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the capacity database, there are two failing roadway segments within the project area. E. Colonial Drive from Woodbury Road to Lake Pickett Road and Avalon Park Blvd. to S. Tanner Road. A traffic study will be required for this project at the time of permitting.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water:	Orange County Utilities	8-inch watermain within Congress right-of-way
Waste Water:	Orange County Utilities	Not currently available
Reclaim Water:	Orange County Utilities	Not currently available

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 16, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Park District) zoning, subject to the following restriction:

- 1) The subject property shall be limited to one lot split with minimum lot widths of 100 feet for each resulting parcel.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

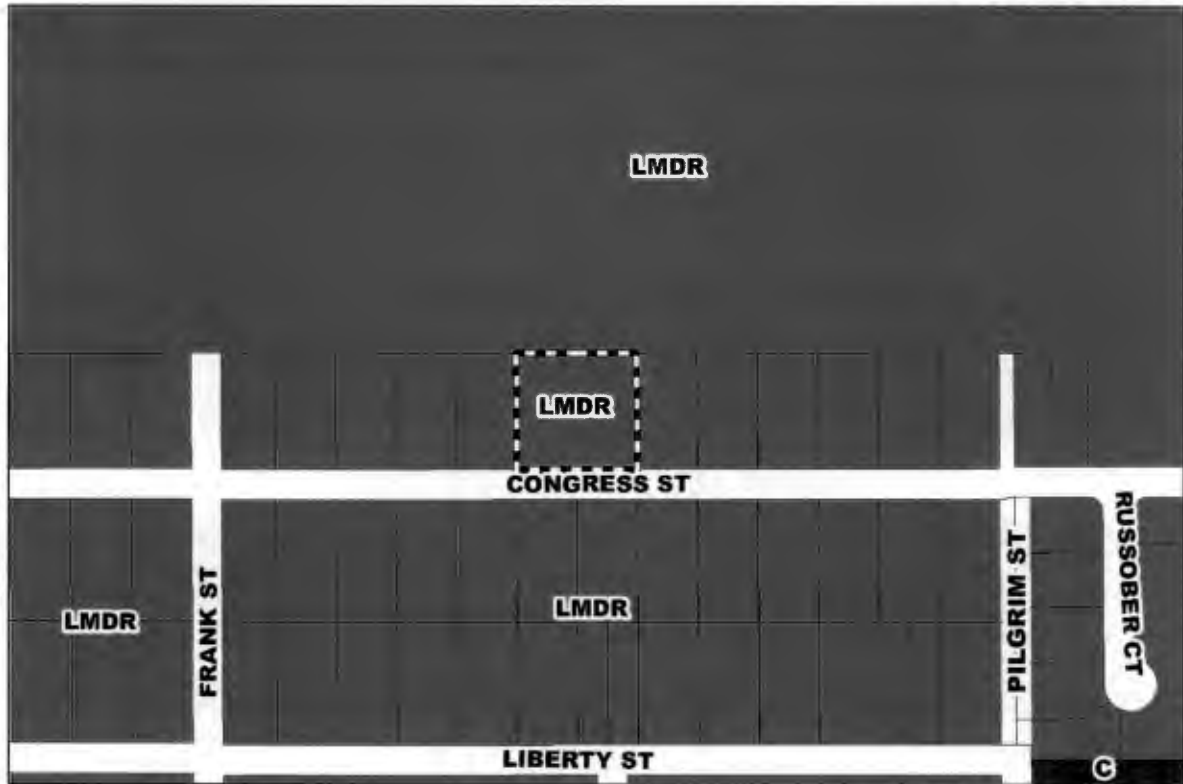
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-T-1 (Mobile Home Park District). The applicant was present and agreed with the staff recommendation. No members of the public were present.

Staff indicated that one hundred thirty-nine (139) notices were mailed to surrounding property owners within a buffer of 800 feet from the subject property, with zero (0) commentaries received in favor of the request and zero (0) commentaries received in opposition to the request. No members of the public were present to speak on this request.

A motion was made by Commissioner Spears, and seconded by Commissioner Abdallah to recommend APPROVAL of the requested R-T-1 (Mobile Home Park District) rezoning, subject to the restriction. The motion carried on a 6-0 vote.

Motion / Second	<i>Gordon Spears, Mohammed Abdallah</i>
Voting in Favor	<i>Gordon Spears, Mohammed Abdallah, JaJa Wade, Diane Velazquez, Eddie Fernandez and Jimmy Dunn</i>
Voting in Opposition	<i>None</i>
Absent	<i>Carlos Nazario</i>

RZ-20-01-069



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low Medium Density Residential (LMDR)

APPLICANT: Abdellatif Rizq

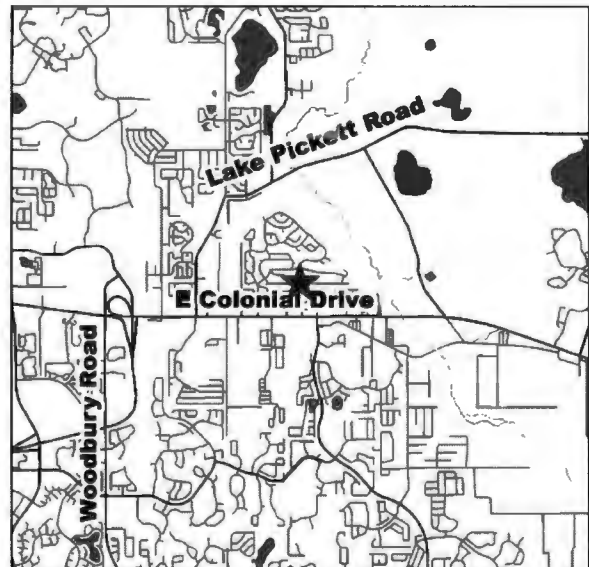
LOCATION: 14553 Congress Street; or generally north of Congress Street, approximately 500 feet from Frank Street

TRACT SIZE: 0.87-gross acre

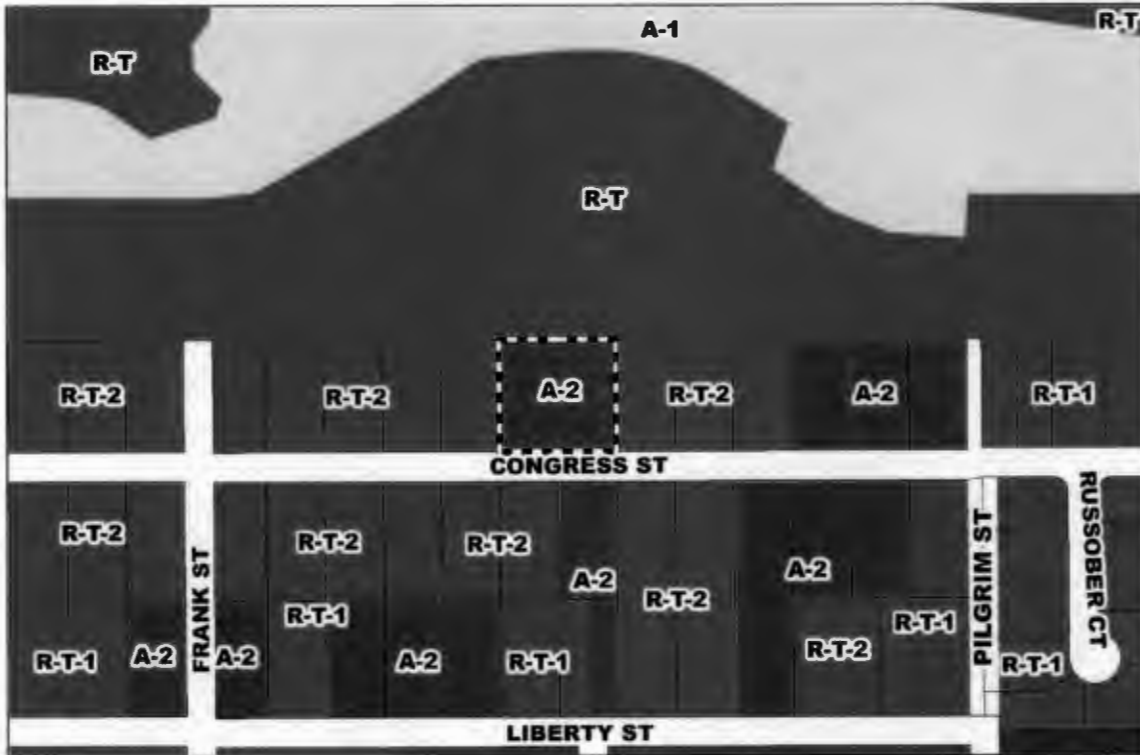
DISTRICT: 5

S/T/R: 24/22/31

1 inch = 250 feet



RZ-20-01-069



 Subject Property



★ Subject Property

Zoning Map

ZONING: A-2 (Farmland Rural District) to R-T-1 (Mobile Home Park District)

APPLICANT: Abdellatif Rizq

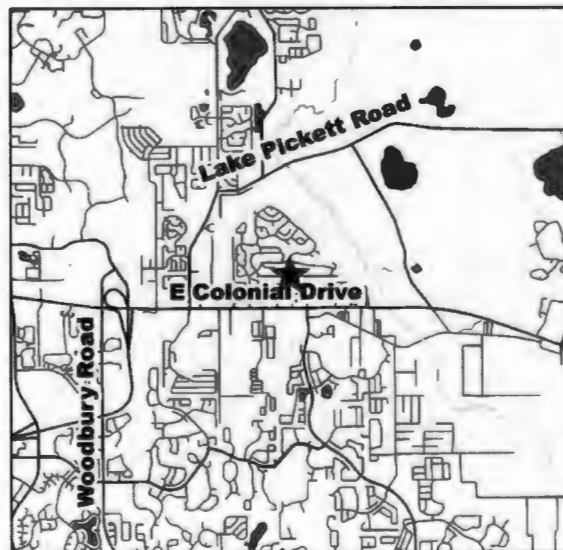
LOCATION: 14553 Congress Street; or generally north of Congress Street, approximately 500 feet from Frank Street

TRACT SIZE: 0.87-gross acre

DISTRICT: 5

S/T/R: 24/22/31

1 inch = 250 feet



RZ-20-01-069



 Subject Property



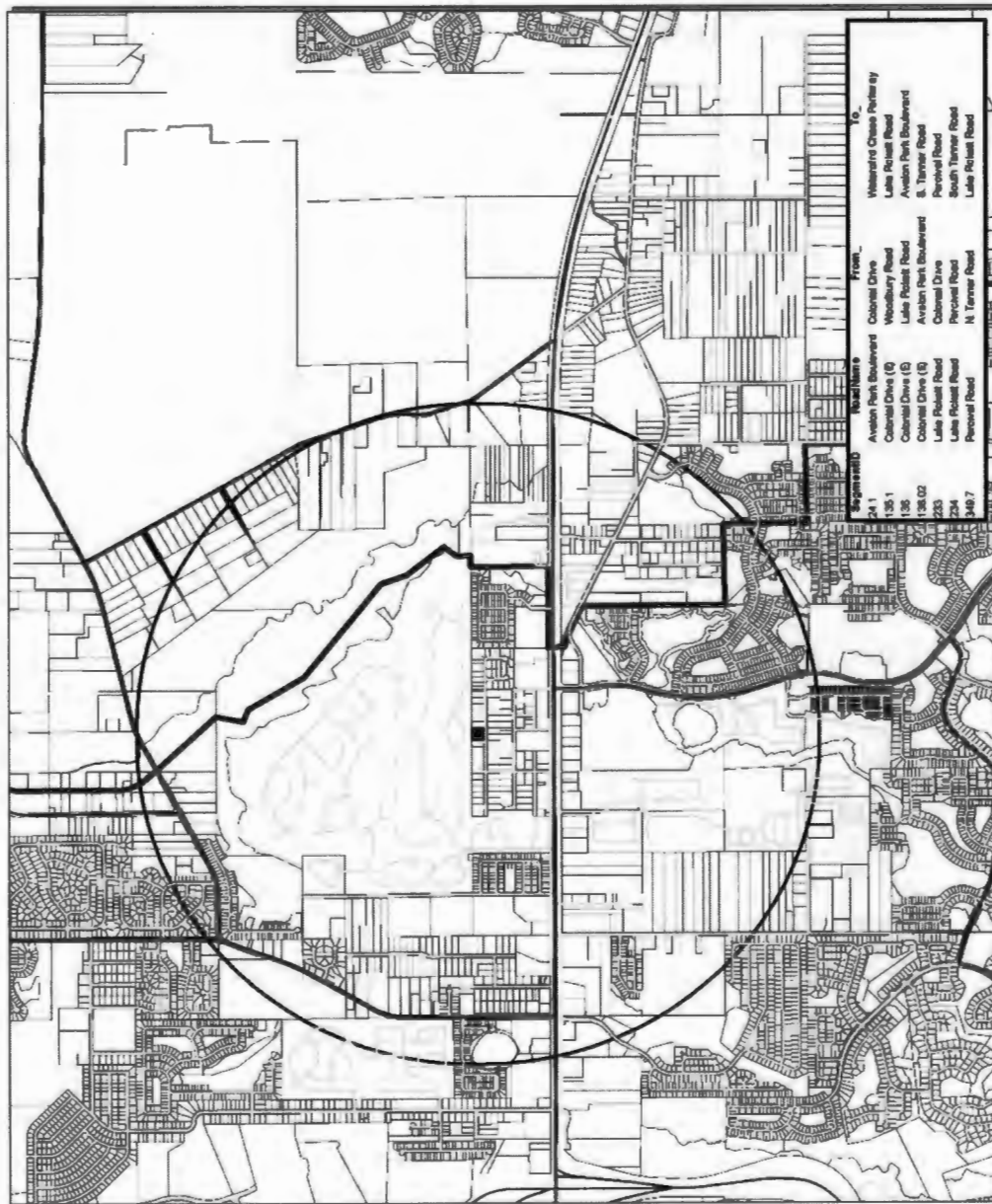
1 inch = 125 feet

Alternative Mobilty Area Context Map

RZ-20-01-069

Legend

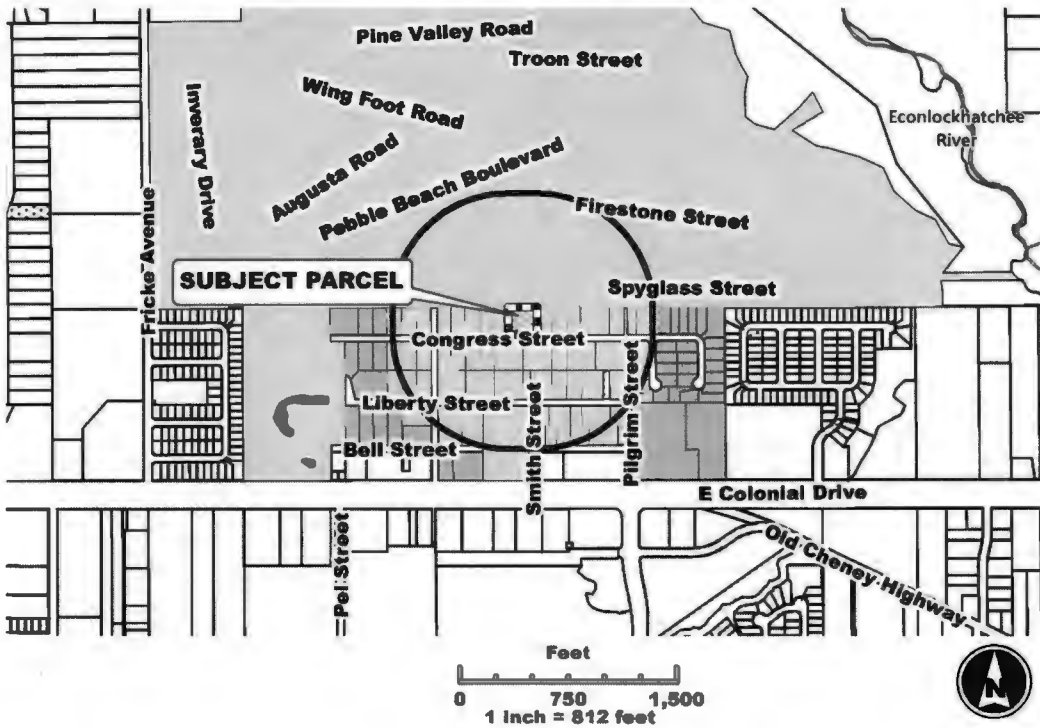
- Major Streets
- Roads Base
- Segment_ID
- Major Streets
- Streets
- PA_PARCELS_Buffer388
- Horizon West Boundary
- County Boundary
- Parcels





Public Notification Map

RZ-20-01-069



800 : FT BUFFER
 139 : NOTICES
 102 : RESIDENTIAL COUNT



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Notification Map

Case # RZ-20-01-069
 Orange County Planning Division
 PZC Hearing Date: January 16, 2020

Case Planner:
Irina Pashinina

Rezoning Staff Report
Orange County Planning Division
PZC Hearing Date: January 16, 2020

CASE # RZ-20-01-070
Commission District: #6

GENERAL INFORMATION

APPLICANT	Moutchou Mustapha
OWNERS	Moutchou Mustapha, Moutchou Brahim
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) and R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District) and C-2 (General Commercial District)
LOCATION	6011 Old Winter Garden Road, 130 Condor Road and 134 Condor Road; or generally northwest of the intersection of Old Winter Garden Road and Condor Road
PARCEL ID NUMBER	25-22-28-7804-00-010, 25-22-28-6424-01-160, and 25-22-28-6424-01-170
TRACT SIZE	0.97-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred eighty-seven (187) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Gas station, auto sales, and auto repair

STAFF RECOMMENDATION

PLANNING

Make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning for Parcel I.D. Numbers 25-22-28-6424-01-170 and 25-22-28-6424-01-160.

ALTERNATIVE RECOMMENDATION

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-1 (Retail Commercial District), subject to the following restrictions:

Restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any non-residential uses; and
- 3) Parcels 25-22-28-7804-00-010, 25-22-28-6424-01-160 and 25-22-28-6424-01-170 shall be aggregated into one (1) lot prior to the issuance of any use permit; and
- 4) Vehicular access shall only be allowed from Old Winter Garden Road, and prohibited from Condor Road; and
- 5) A six (6) foot masonry wall shall be constructed along the northern property line adjacent to the residential use.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone three parcels as outlined below:

Parcel ID	Current Zoning	Proposed Zoning
25-22-28-6424-01-160	R-3 (Multiple-Family Dwelling District)	C-1 (Retail Commercial District)
25-22-28-6424-01-170	R-3 (Multiple-Family Dwelling District)	C-2 (General Commercial District)
25-22-28-7804-00-010	Restricted C-1 (Retail Commercial District)	C-2 (General Commercial District)

The proposal is to allow a gas station, auto sales, and auto repair. A proposed zoning map is provided at the end of this report for clarification. Due to the adjacency of single-family zoned property, staff is recommending denial of the proposed C-2 zoning.

The Future Land Use Map (FLUM) designates the subject property as Commercial (C). The area surrounding the subject property is characterized by various commercial and residential uses along Old Winter Garden Road, transitioning to single-family residential neighborhood to the north.

Parcel 25-22-28-7804-00-010 was rezoned from R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District) in 2006 with two (2) restrictions:

- 1) A six (6) foot PVC (vinyl type fence shall be constructed along the northern and eastern property line adjacent to residential uses; and,
- 2) Billboards and pole signs shall be prohibited.

Land Use Compatibility

The C-2 (General Commercial District) zoning would allow for development that is incompatible with the character of the surrounding area and may adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Address: 134 Condor Rd, 6011 Old Winter Garden Rd Parcel#: 25-22-28-6424-01-170, 25-22-28-7804-00-010 Incident#: 551938, 557851, 553579 Case#: SM-2020-413756Z Description: Erecting fence without permit; Roof repair without permit; Inoperative vehicles/Automotive sales Inspector: Daniel Long

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-1 (Retail Commercial District) and C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation, therefore a CP amendment is not necessary. While the proposed C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation, it is inconsistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district

is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use Single-Family Dwelling

Adjacent Zoning N: R-1 (Single-Family Dwelling District) (1957)
 R-3 (Multiple-Family Dwelling District) (1957)
 E: C-1 (Retail Commercial District) (1985)
 W: R-3 (Multiple-Family Dwelling District) (1957)
 S: R-1 (Single-Family Dwelling District) (1957)
 **No restrictions apply to the above zoning districts*

Adjacent Land Uses N: Single-Family Dwelling
 E: Vacant Commercial
 W: Storm/Retention/Drain
 S: Cemetery

C-1 (Retail Commercial District) Development Standards

Min. Lot Area: 6,000 sq. ft.
Min. Lot Width: 80 ft. (on major streets, see Article XV)
 60 ft. (on all other streets)
Max. Height: 50 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area: 500 sq. ft.

Building Setbacks

Front: 25 ft.
Rear: 20 ft. (20 ft. when abutting residential)
Side: 0 ft. (15 ft. when abutting residential)

Intent, Purpose, and Uses

The intent and purpose of this C-1 (Retail Commercial District) are as follows: this district is composed of lands and structures used primarily for the furnishing of selected commodities and services at retail. This district is encouraged:

- (1) At intersections of collectors and/or arterials;
- (2) Where it will not direct commercial traffic through residential districts;
- (3) Where adequate public facilities and services are available, as defined in the comprehensive policy plan;
- (4) Where compatible with adjacent areas or where buffers can be provided to ensure compatibility; and
- (5) To a limited extent in rural settlements throughout the county to meet the needs of an identified community, or in growth centers as defined in the comprehensive policy plan.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

C-2 (General Commercial District) Development Standards

Min. Lot Area: 8,000 sq. ft.
Min. Lot Width: 100 ft. (on major streets, see Article XV)
80 ft. (on all other streets)
Max. Height: 50 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area: 500 sq. ft.

Building Setbacks

Front: 25 ft.
Rear: 15 ft. (20 ft. when abutting residential)
Side: 5 ft. (25 ft. when abutting residential)

Intent, Purpose, and Uses

The intent and purpose of the C-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is only promoted within the urban service area where uses of this intensity have already been established.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and include new and used automobile sales; car rental and leasing; auto painting and body shops; special trade contractors' offices (storage, equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See note below table*
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes within the project area: Existing Orange County maintained sidewalks along Old Winter Garden Road from S. Kirkman Road to S. Hiawassee Road. LYNX bus link#54 - Old Winter Garden Road. There are five (5) bus stops within the project area. A mobility analysis may be required for this project.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

*Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information.

The site shall comply with the Florida Department of Environmental Protection (FDEP) regulations: Chapter 62-761, F.A.C. Petroleum Storage Systems (USTs), Chapter 62-762, F.A.C. Petroleum Storage Systems (ASTs), Chapter 62-770, F.A.C. Petroleum Contamination Site Cleanup Criteria, and Chapter 62-777, F.A.C. Contaminant Cleanup Target Levels. Comply with all notification requirements as specified through contact with the Orange County Environmental Protection Division (EPD) at 407-836-1475.

Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.

Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal. There are specific guidelines and limitations for commercial and industrial uses.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	24-inch forcemain pipe within Old Winter Garden right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 16, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the C-1 (Retail Commercial District) for all three parcels, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any non-residential uses; and

- 3) Parcels 25-22-28-7804-00-010, 25-22-28-6424-01-160 and 25-22-28-6424-01-170 shall be aggregated into one (1) lot prior to the issuance of any use permit; and
- 4) Vehicular access shall only be allowed from Old Winter Garden Road, and prohibited from Condor Road; and
- 5) A six (6) foot masonry wall shall be constructed along the northern property line adjacent to the residential use.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District). Alternatively staff recommended to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the C-1 (Retail Commercial District) zoning for all three parcels, subject to five (5) restrictions.

Staff indicated that one hundred eighty-seven (187) notices were mailed to the surrounding property owners within a buffer extending 500 feet from the subject property, with two (2) responses in opposition to the request and zero (0) in favor. Those opposed stated concerns related to traffic and noise affecting residential neighborhood from the proposed uses. One citizen spoke in opposition, citing concerns of incompatibility with the adjacent residents. The applicant was present for the hearing and concurred with staff's alternative recommendation.

After a brief discussion, a motion was made by Commissioner Wade to make a finding of inconsistency with the Comprehensive Plan and recommend DENIAL of the requested C-2 (General Commercial District) zoning. Commissioner Wade amended his motion to deny C-1 (Retail Commercial District) as well and the motion failed. Another motion was made by Commissioner Abdallah to support staff's alternative recommendation to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the C-1 (Retail Commercial District) zoning for all three parcels. Commissioner Dunn seconded the motion and Commissioner Wade opposed, motion passed on a 5-1 vote.

Motion / Second

Mohammed Abdallah / Jimmy Dunn

Voting in Favor

Mohammed Abdallah, Jimmy Dunn, Diane Velazquez, Gordon Spears, and Eddie Fernandez

Voting in Opposition

JaJa Wade

Absent

Carlos Nazario

RZ-20-01-070



Subject Property



Subject Property

Future Land Use Map

FLUM: Commercial (C)

APPLICANT: Moutchou Mustapha

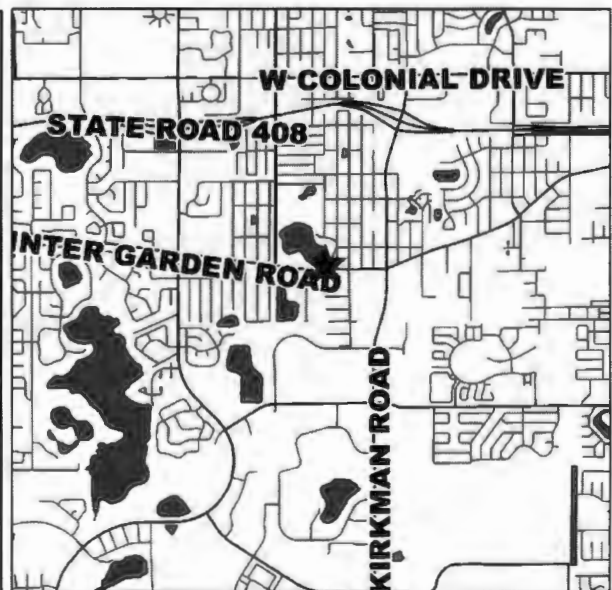
LOCATION: 6011 Old Winter Garden Road, 130 Condor Road and 134 Condor Road; generally located on the northwest corner of Old Winter Garden Road and Condor Road

TRACT SIZE: 0.97-gross acre

DISTRICT: #6

S/T/R: 28/22/25

1 inch = 205 feet



RZ-20-01-070



Subject Property



★ Subject Property

Existing Zoning Map

Zoning: C-1 (Retail Commercial District) and R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District) and C-2 (General Commercial District)

APPLICANT: Moutchou Mustapha

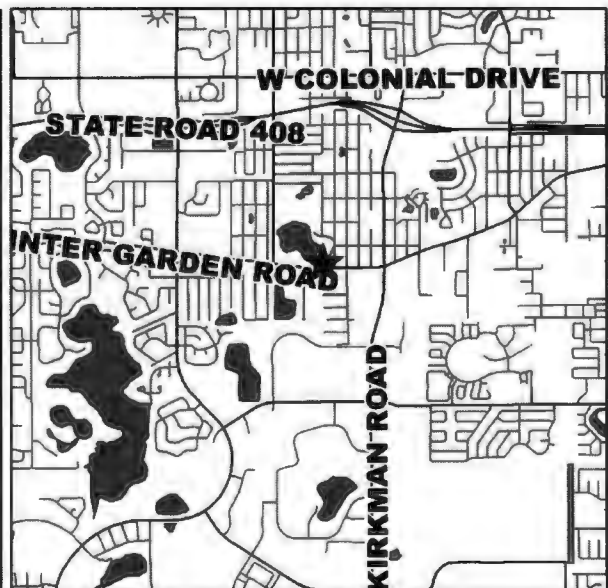
LOCATION: 6011 Old Winter Garden Road, 130 Condor Road and 134 Condor Road; generally located on the north west corner of Old Winter Garden Road and Condor Road

TRACT SIZE: 0.97-gross acre

DISTRICT: #6

S/T/R: 28/22/25

1 inch = 210 feet



RZ-20-01-070



Subject Property



Subject Property

Proposed Zoning Map

Zoning: C-1 (Retail Commercial District) and R-3 (Multiple-Family Dwelling District) to C-1 (Retail Commercial District) and C-2 (General Commercial District)

APPLICANT: Moutchou Mustapha

LOCATION: 6011 Old Winter Garden Road, 130 Condor Road and 134 Condor Road; generally located on the north west corner of Old Winter Garden Road and Condor Road

TRACT SIZE: 0.97-gross acre

DISTRICT: #6

S/T/R: 28/22/25

1 inch = 210 feet



RZ-20-01-070



 Subject Property




















1 inch = 165 feet

Alternative Mobility Area Context Map

RZ-20-01-070
 134 CONDOR RD

Legend

-  LYNX Bus Stops
-  LYNX Bus Stop Shelters
-  LYNX Park And Ride
-  LYNX Bus Route Schedule
-  Major Streets
-  Roads Base
-  Segment_ID
-  City Sidewalk
-  County Sidewalk
-  Private Sidewalk
-  State Sidewalk
-  Major Streets
-  Streets
-  PA_PARCELS_Buffer390
-  Horizon West Boundary
-  County Boundary
-  Parcels

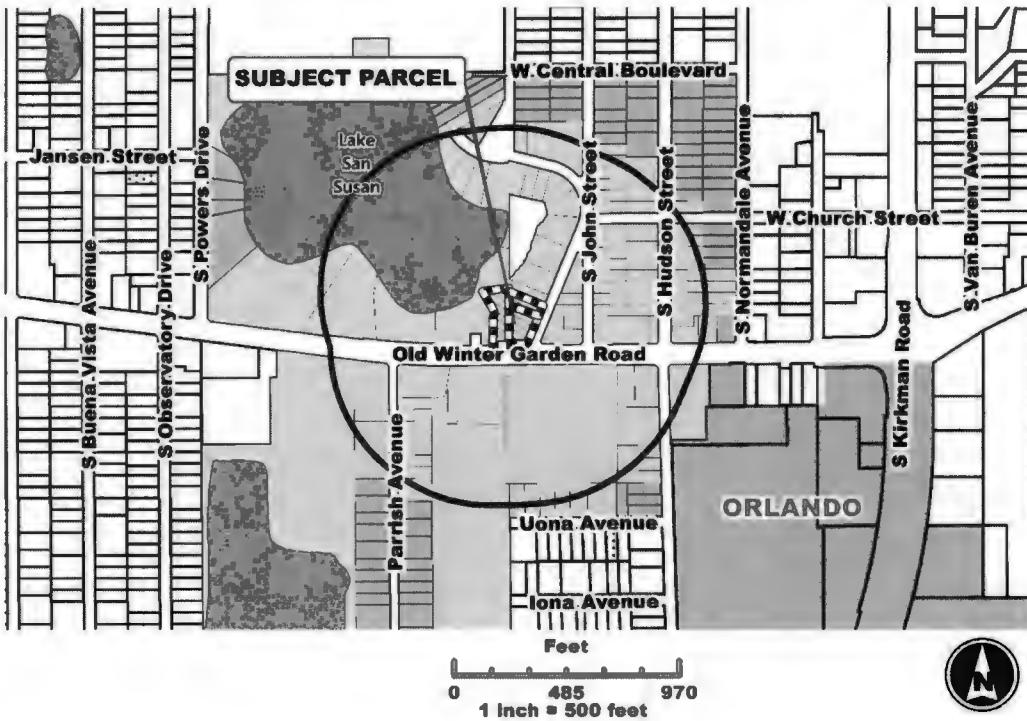


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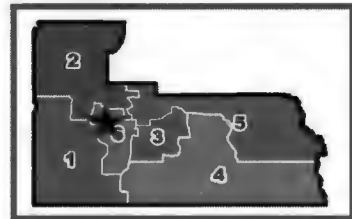
Public Notification Map

RZ-20-01-070



- MAP LEGEND**
- SUBJECT
 - 700 FT BUFFER
 - HYDROLOGY
 - NOTIFIED PARCELS
 - COURTESY PARCELS
 - PARCELS

500 : FT BUFFER
 187 : NOTICES
 124 : RESIDENTIAL COUNT



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Notification Map

Case # RZ-20-01-070
 Orange County Planning Division
 PZC Hearing Date: January 16, 2020

CASE # RZ-20-01-071
Commission District: #5

GENERAL INFORMATION

APPLICANT	Edward Fore, Esq
OWNERS	Mizbani Soheila
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to I-2 / I-3 (Industrial District)
LOCATION	1834 N. Forsyth Road; generally west of Forsyth Road, east of Tilden Avenue, north of Muskogee Street, and approximately 1,300 feet north of E. Colonial Drive
PARCEL ID NUMBER	15-22-30-1284-05-160
TRACT SIZE	0.23-gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 800 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred ninety-two (192) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Car dealership

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2 / I-3 (Industrial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-2 / I-3 uses.

SUBJECT PROPERTY ANALYSIS

Overview

Through this request, the applicant is seeking to rezone from R-1A (Single-Family Dwelling District) to I-2 / I-3 (Industrial District) in order to bring the property into conformance with the underlying Future Land Use Map (FLUM) designation to allow for a car dealership.

The Future Land Use Map designates the subject property as Industrial (IND). The area surrounding the subject property on the west side of N. Forsyth road is intended for industrial uses, and mostly consists of auto related business and commercial developments. The area on the east side of N. Forsyth road consists of single-family residences.

Land Use Compatibility

The I-2 / I-3 (Industrial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The subject property is located within Airport Noise Zone "E". Any required noise mitigation will be required at permitting.
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Industrial (IND). The proposed I-2 / I-3 (Industrial District) zoning is consistent with the Industrial FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and

environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Single-Family Residential
Adjacent Zoning	N: I-1 / I-5 (Industrial District) (2005) * Billboards and pole signs shall be prohibited. E: R-1A (Single-Family Dwelling District) (1957) W: I-1 / I-5 (Industrial District) (1985) S: I-2 / I-3 (Industrial District) (1985)
Adjacent Land Uses	N: Office E: Single-Family Residential W: Towing S: Vehicle Repair

I-2/I-3 (Industrial District) Development Standards

Max. Height: 50 ft. (35 ft. within 100 ft. of any residential use or district)

Building Setbacks

Front: 25 ft.
Rear: 10 ft.
Side: 15 ft.

Intent, Purpose, and Uses

The intent and purpose of the I-2/I-3 industrial district is to provide space for those industries which require locations near compatible neighbors, good transportation facilities and utilities, to establish and maintain regulations which will allow the continued development of certain existing industrially zoned property and certain lands adjacent thereto where there exist lots, structures and uses of land which were lawful before the adoption of this article but which may be prohibited by the requirements of the I-1A and I-1/I-5 industrial districts, to establish and maintain standards that will promote the development of a wide variety of general industrial and related activities which require a pleasant environment, compatible surroundings, and intensive use of land, and to establish and maintain standards which will protect adjacent residential and commercial developments.

Specific uses shall be identified by the letter "P" in the use table set forth in section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Any existing septic tanks or wells (potable or irrigation water supply wells) onsite shall be properly abandoned prior to earthwork or construction. Contact the Department of Health (DOH) for the septic system and both DOH and the Water Management District for wells. Refer to Orange County Code Chapter 37 Water and Wastewater, Article XVII Individual On-Site Sewage Disposal for details on Individual On-Site Sewage Disposal. There are specific guidelines and limitations for commercial and industrial uses.</p> <p>Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information, or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1400.</p>
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes within the project area. County maintained sidewalks exist along N. Forsyth Road from E. Colonial Drive to Hanging Moss Road. State</p>

			maintained sidewalks/bikepaths are existing along E. Colonial Drive from N. Semoran Blvd. to N. Goldenrod Road. LYNX bus link #29 E. Colonial Dr/Goldenrod; #104 E. Colonial Drive/UCF. A mobility analysis may be required for this project.
Schools	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water:	Orange County Utilities	12-inch watermain is located within Forsyth right-of-way
Wastewater:	Orange County Utilities	12-inch gravity main and 8-inch forcemain within Forsyth right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 16, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2 / I-3 (Industrial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-2 / I-3 uses.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

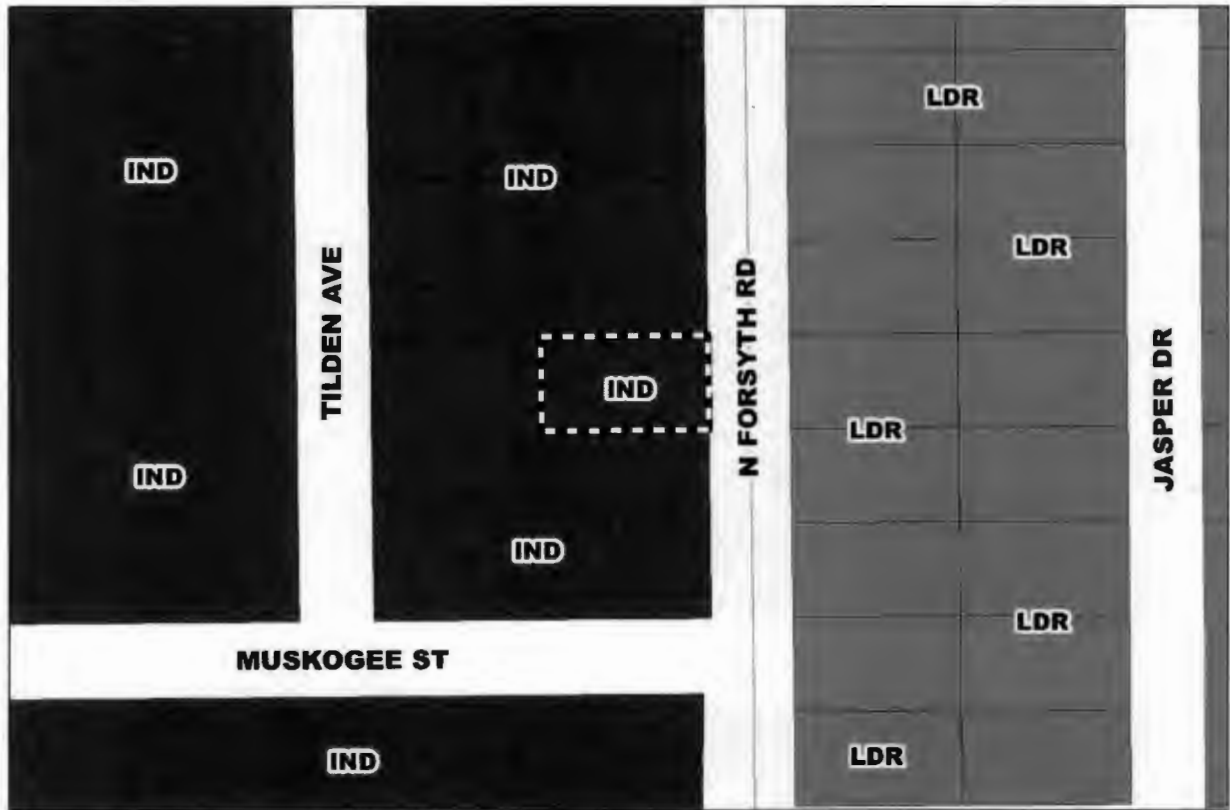
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend approval of the requested I-2 / I-3 (Industrial District) zoning, subject to the two (2) restrictions. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred ninety-two (192) notices were sent to property owners extending beyond 800 feet surrounding the property, and that staff had received one (1) response in favor, and two (2) responses in opposition of the request. Those opposed stated concerns related to many small auto dealerships already existing in the area and using residential streets for test drives and parking at night and over the weekend. Zero (0) members of the public were present to speak on this request.

After a brief discussion, a motion was made by Commissioner Spears to make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-2 / I-3 (Industrial District) zoning, subject to the two (2) restrictions and seconded by Commissioner Fernandez. The motion carried on a 5-0 vote.

Motion / Second	<i>Gordon Spears / Eddie Fernandez</i>
Voting in Favor	<i>Gordon Spears, Eddie Fernandez, Mohammed Abdallah, Jimmy Dunn, and Diane Velazquez</i>
Voting in Opposition	<i>None</i>
Absent	<i>Carlos Nazario and Jaja Wade</i>

RZ-20-01-071



Subject Property



Subject Property

Future Land Use Map

FLUM: Industrial (IND)

APPLICANT: Mizbani Soheila

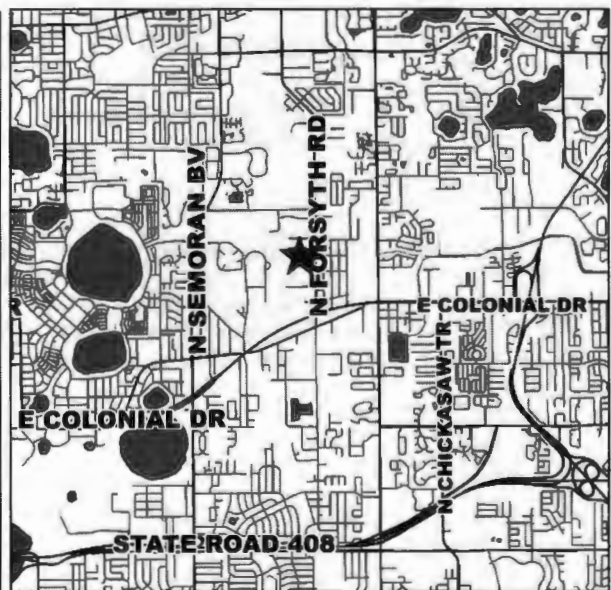
LOCATION: 1834 N. Forsyth Road; generally west of Forsyth Road, east of Tilden Avenue, north of Muskoqee Street, and approximately 1,300 feet north of E. Colonial Drive

TRACT SIZE: 0.23-gross acre

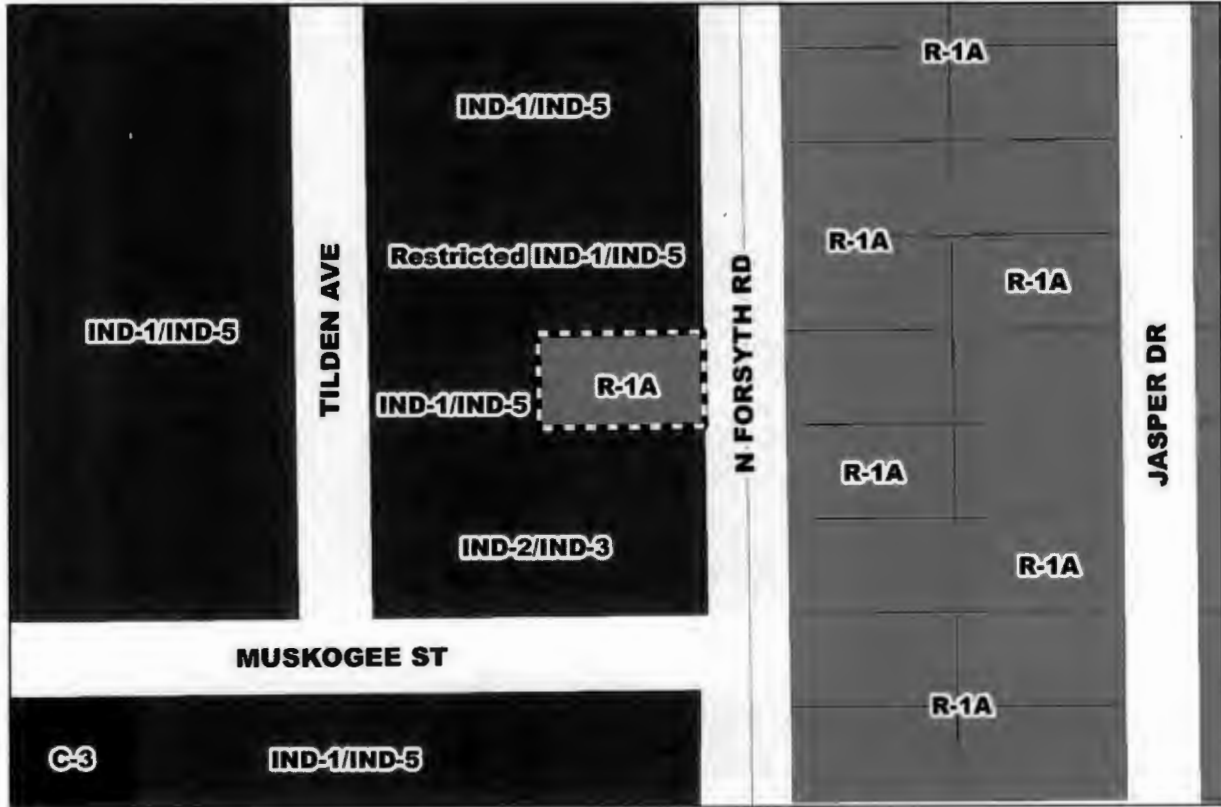
DISTRICT: #5

S/T/R: 30/22/15

1 inch = 125 feet



RZ-20-01-071



Subject Property



★ Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to I-2 / I-3 (Industrial District)

APPLICANT: Mizbani Soheila

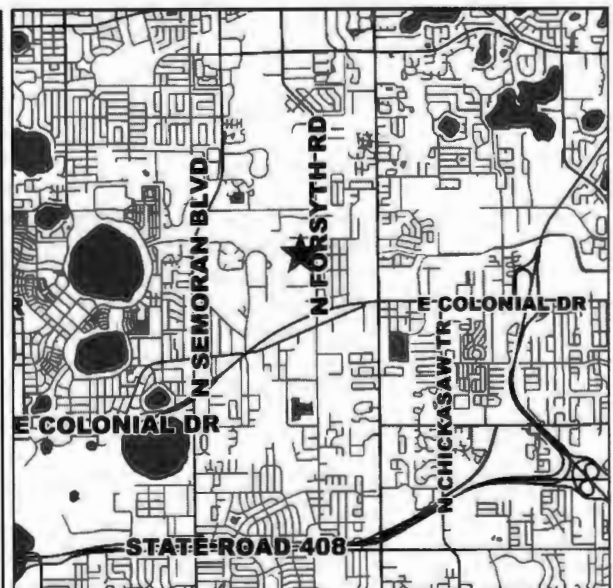
LOCATION: 1834 N. Forsyth Road; generally west of Forsyth Road, east of Tilden Avenue, north of Muskogee Street, and approximately 1,300 feet north of E. Colonial Drive

TRACT SIZE: 0.23-gross acre

DISTRICT: #5

S/T/R: 30/22/15

1 inch = 125 feet



RZ-20-01-071



 Subject Property



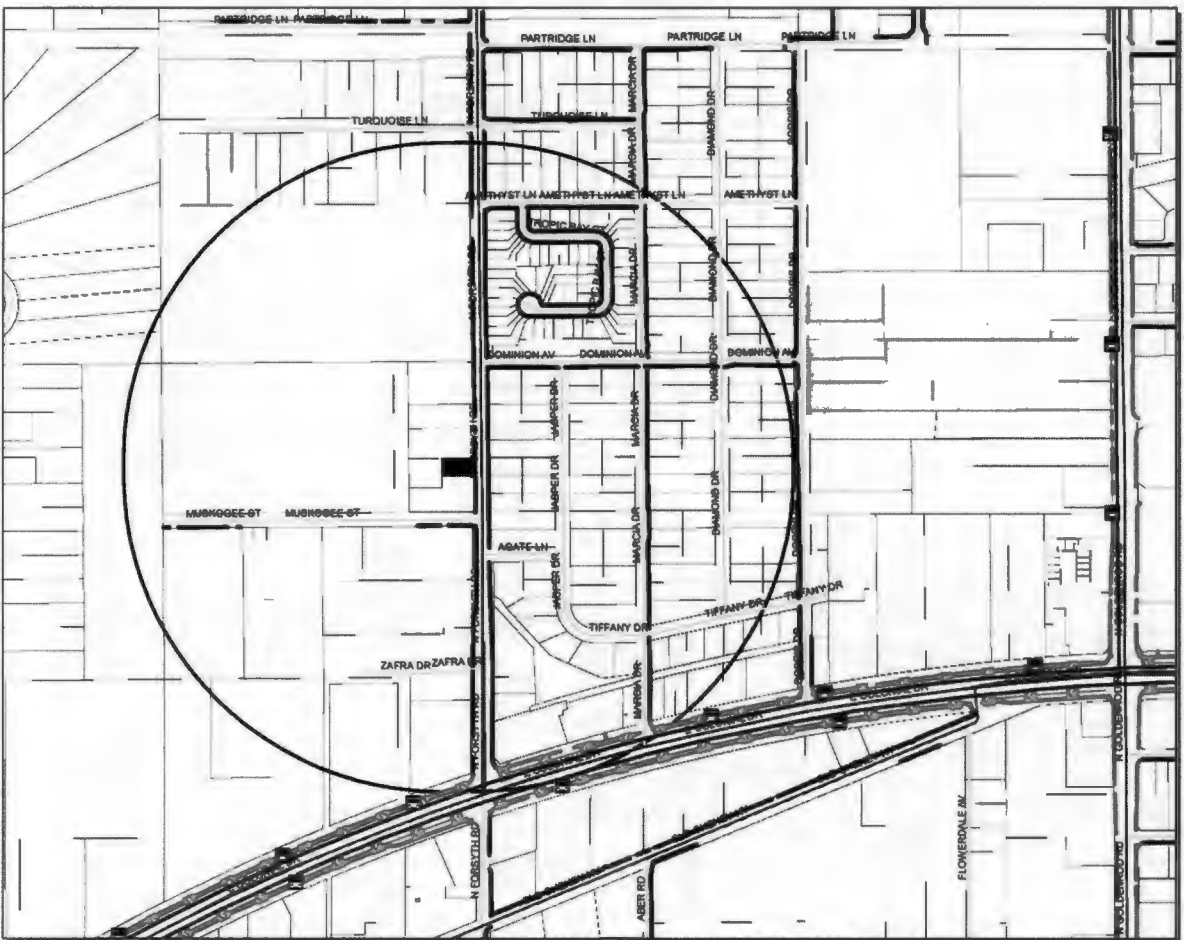
1 inch = 105 feet

Alternative Mobilty Area Context Map

**RZ-20-01-071
 1834 N. FORSYTH RD**

Legend

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA_PARCELS_Buffer389
- Horizon West Boundary
- County Boundary
- Parcels

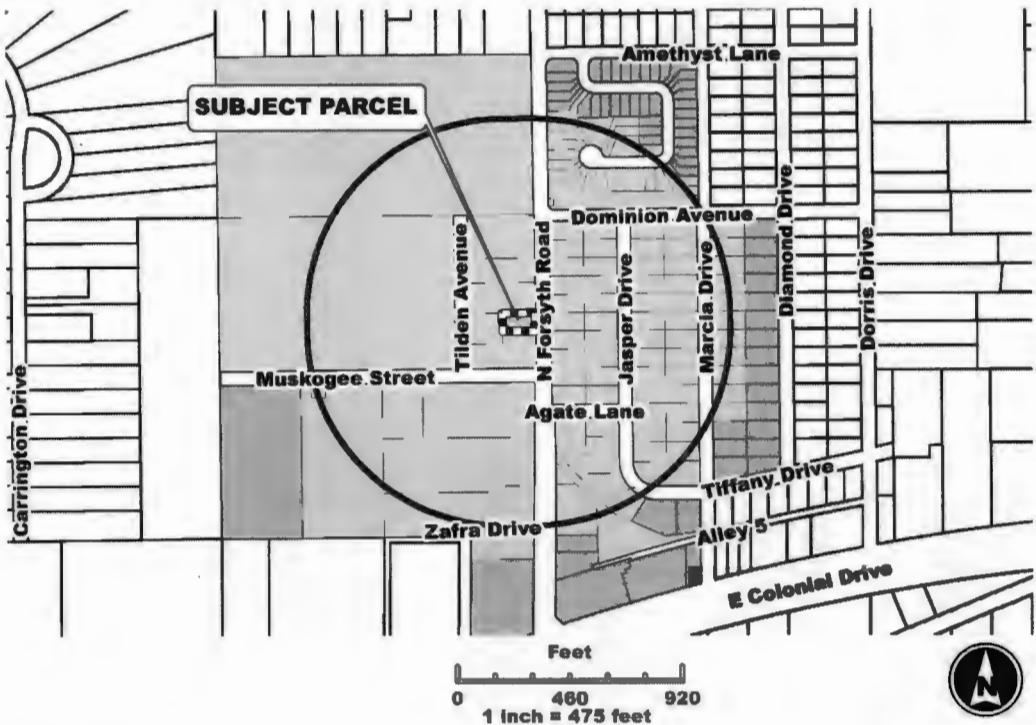


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Public Notification Map

RZ-20-01-071



MAP LEGEND

- SUBJECT
- 800 FT BUFFER
- NOTIFIED PARCELS
- COURTESY PARCELS
- PARCELS

800 : FT BUFFER
 192 : NOTICES
 142 : RESIDENTIAL COUNT



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Notification Map

Case # RZ-20-01-071
 Orange County Planning Division
 PZC Hearing Date: January 16, 2020

CASE # RZ-20-01-076

Commission District: #4

GENERAL INFORMATION

APPLICANT	Dan Creighton
OWNERS	William D. Bishop Trust
HEARING TYPE	Planning and Zoning Commission
REQUEST	A-2 (Farmland Rural District District) to I-1/I-5 (Industrial District)
LOCATION	4488 E. Wetherbee Road, or generally south of Wetherbee Road, approximately 2,340 feet east of Sawgrass Reserve Boulevard
PARCEL ID NUMBER	20-24-30-0000-00-002
TRACT SIZE	2.00 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred fifteen (115) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Gas Station with Car Wash

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1/I-5 (Industrial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-1/I-5 uses.
- 3) Uses shall be restricted to those C-1 uses permitted in the I-1/I-5 district and the I-1/I-5 use of carwash.

SUBJECT PROPERTY ANALYSIS

Overview

The subject property is currently undeveloped. The surrounding area consists of undeveloped land and Industrial development to the east. The undeveloped land located to the south and west of the subject property is included in the Wetherbee Acres Planned Development (PD). This PD is entitled for 950 townhome and multi-family dwelling units. Of these 950 units, a maximum of 450 can be multi-family units. The Harness Acres Planned Development (PD) is located to the north. This PD is entitled for 305 multi-family dwelling units.

Through this request, the applicant is seeking to rezone the 2.00 acre property from A-2 (Farmland Rural District) to I-1/I-5 (Industrial District) for a gas station with car wash use.

Land Use Compatibility

The I-1/I-5 (Industrial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The subject property is located within Airport Noise Zone "D". Any required noise mitigation will be required at permitting.
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Industrial (IND). The proposed I-1/I-5 (Industrial District) zoning is consistent with the Industrial FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the

location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped Land
Adjacent Zoning	N: PD (Planned Development District) (2007) E: PD (Planned Development District) (2006) W: PD (Planned Development District) (2004) S: PD (Planned Development District) (2004)
Adjacent Land Uses	N: Undeveloped Land E: Warehouse W: Undeveloped Land S: Undeveloped Land

I-1/I-5 (INDUSTRIAL DISTRICT) DEVELOPMENT STANDARDS

Floor Area Ratio: ≤0.75
Max. Height: 50 ft. (35 ft. within 100 ft. of a residential zoning district)

Building Setbacks

Front: 35 ft.
Rear: 25 ft.
Side: 25 ft.

Intent, Purpose, and Uses

The I-1/I-5 (Industrial District) zoning is composed of lands and structures used primarily for the operation of general industrial uses.

Specific uses shall be identified by the letter "P" in the use table set forth in section 38-77 of the Orange County Code. Permitted uses include, but are not limited to, religious institutions, warehouses, offices, contractors storage and offices, food processing and packaging; woodchipping, mulching, and composting; textile manufacturing; garment manufacturing; manufacturing of furniture and fixtures; manufacturing of medicinal chemicals and botanical products; manufacturing of commercial and industrial machinery; motor vehicle assembly; boat manufacturing; aluminum recycling collection drop-off sites; community correction centers; juvenile correction homes; etc.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See note below table*
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the concurrency database dated 12/17/19, there are two failing segments within the project area. Boggy Creek Road from Tradeport Drive to Wetherbee Road and from the S. Access Rd to Central Florida Greenway. A traffic study will be required for this project.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

* Fuel storage tanks and on-site fuel handling activities that could result in spills shall comply with all applicable state code. These activities shall include, but are not limited to, protection from fuel spills caused by delivery trucks, fuel transfer activities or other fuel system malfunctions. If any new storage tanks are planned for this location, or if any storage tanks have been installed without proper permitting, then the site shall comply with the Florida Department of Environmental Protection (FDEP) regulations: Chapter 62-761, F.A.C. Petroleum Storage Systems (USTs), Chapter 62-762, F.A.C. Petroleum Storage Systems (ASTs), Chapter 62-780, F.A.C. Petroleum Contamination Site Cleanup Criteria, and Chapter 62-777, F.A.C. Contaminant Cleanup Target Levels. For more information and to comply with all notification requirements, contact the EPD Storage Tank Compliance staff at 407-836-1475.

Prior to demolition or construction activities associated with existing structures, provide a Notice of Asbestos Renovation or Demolition form to the Orange County Environmental Protection Division (EPD). For more information or to determine if an exemption applies, contact the EPD Air Quality Management staff at 407-836-1434.

If a septic system is required or in use, the applicant shall notify the Florida Department of Health (FDOH), Environmental Health Division (407-858-1497), about the septic system permit application, modification or abandonment. Also refer to Orange County Code Chapter 37, Article XVII for details on Individual On-Site Sewage Disposal as well as the FDOH.

All development is required to treat stormwater runoff for pollution abatement purposes. Discharge that flows directly into wetlands or surface waters without pretreatment is prohibited. Reference Orange County Code Sections 30-277 and 30-278.

Development of the subject property shall comply with all state and federal regulations regarding wildlife and plants listed as imperiled (endangered, threatened, or species of special concern.) The applicant is responsible to determine the presence of listed species and obtain any required habitat permits from the U.S. Fish and Wildlife Service (USFWS) and/or the Florida Fish & Wildlife Conservation Commission (FWC).

Prior to commencement of any earth work or construction, if one acre or more of land will be disturbed, the developer shall provide a copy of the completed National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection (FDEP) by the developer.

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water:	Orlando Utilities Commission	
Wastewater:	Orange County Utilities	18-inch gravity main and 12-inch forcemain within Wetherbee right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 16, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1/I-5 (Industrial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any I-1/I-5 uses.
- 3) Uses shall be restricted to those C-1 uses permitted in the I-1/I-5 district and the I-1/I-5 use of carwash.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

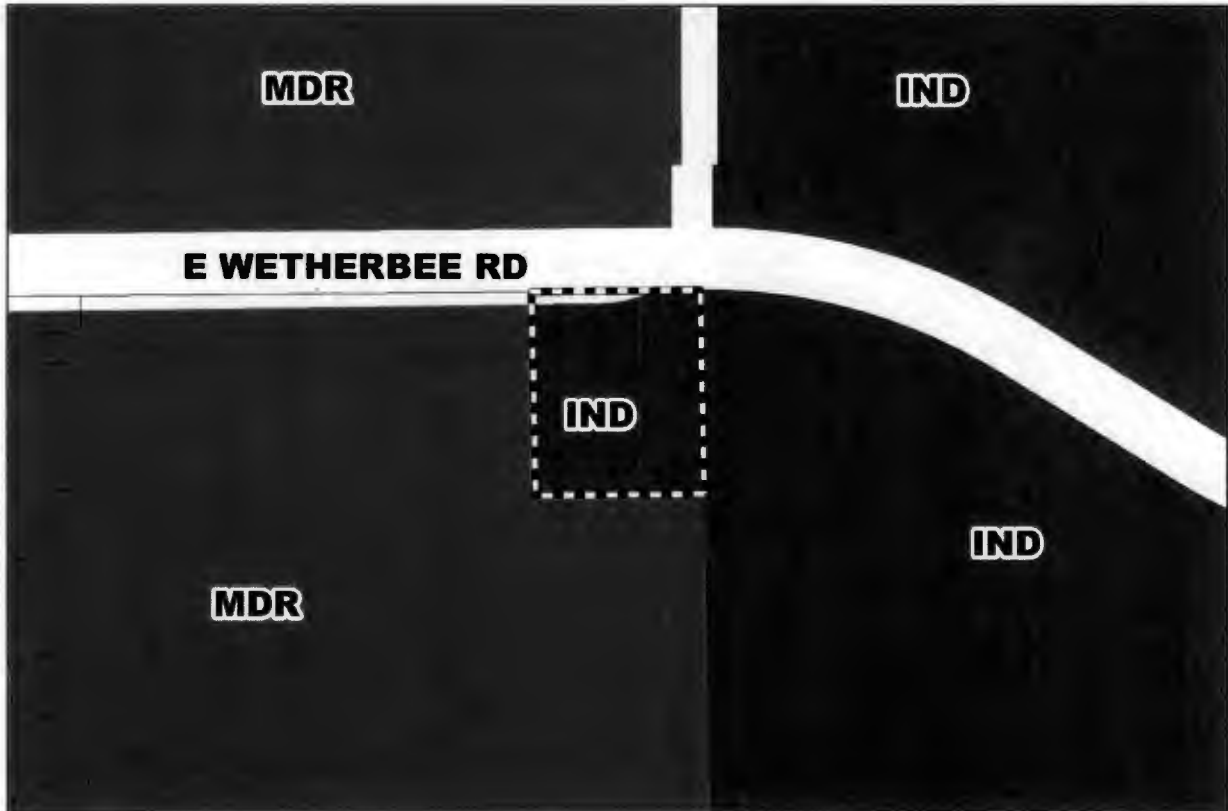
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested I-1/I-5 (Industrial District) Zoning. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred fifteen (115) notices were sent to property owners extending beyond 1,500 feet surrounding the property, and that staff had received zero (0) responses in favor of the request and one (1) in opposition. Those in opposition stated cited the existing gas stations and car washes within five (5) miles of this location as their reason for opposition. Zero (0) members of the public were present to speak on this request.

After limited discussion, a motion was made by Commissioner Velazquez, and seconded by Commissioner Dunn to recommend APPROVAL of the requested I-1/I-5 zoning, subject to restrictions. The motion carried on a 5-0 vote.

Motion / Second	<i>Diane Velazquez / Jimmy Dunn</i>
Voting in Favor	<i>Diane Velazquez, Jimmy Dunn, JaJa Wade, Gordon Spears, and Eddie Fernandez</i>
Voting in Opposition	<i>None</i>
Absent	<i>Carlos Nazario / Mohammed Abdallah</i>

RZ-20-01-076



 Subject Property



★ Subject Property

Future Land Use Map

FLUM: Industrial (IND)

APPLICANT: Dan Creighton, Creighton Companies, LLC

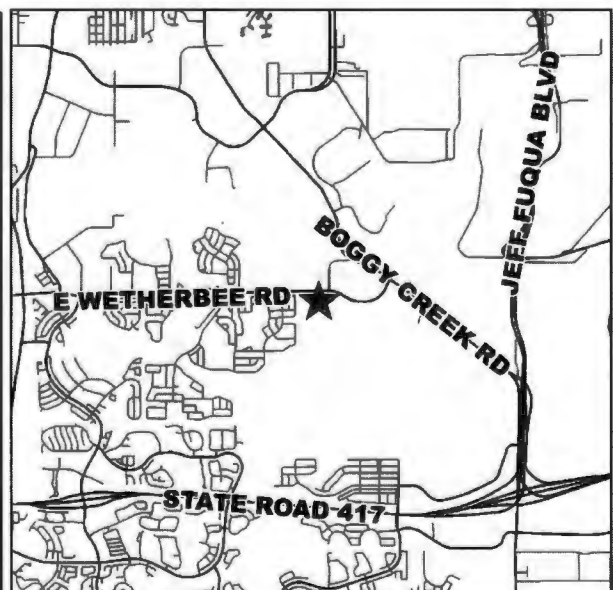
LOCATION: 4488 E. Wetherbee Road, or generally south of Wetherbee Road, approximately 2,340 feet east of Sawgrass Reserve Boulevard

TRACT SIZE: 2.00 gross acres

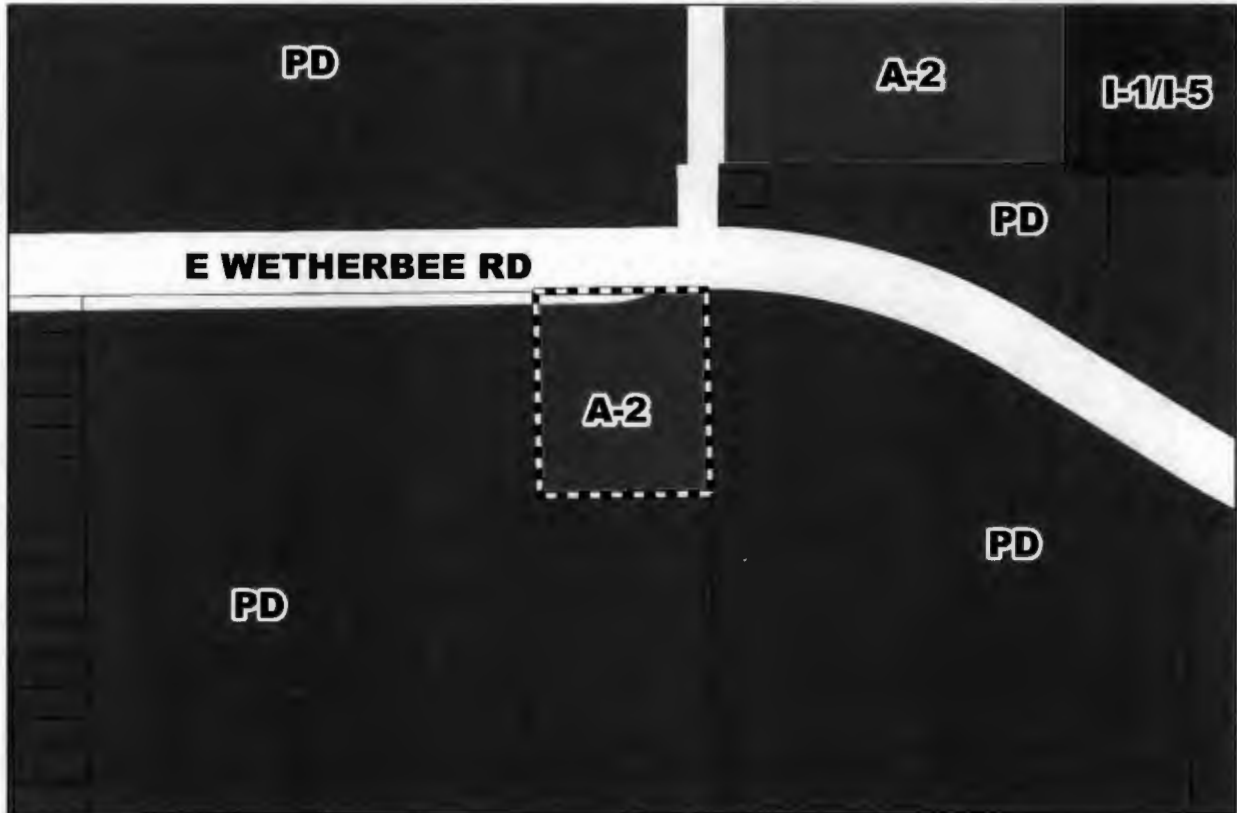
DISTRICT: # 4

S/T/R: 20/24/30

1 inch = 250 feet



RZ-20-01-076



 Subject Property



★ Subject Property

Zoning Map

ZONING: A-2 (Farmland Rural District) to I-1/I-5 (Industrial District)

APPLICANT: Dan Creighton, Creighton Companies, LLC

LOCATION: 4488 E. Wetherbee Road, or generally south of Wetherbee Road, approximately 2,340 feet east of Sawgrass Reserve Boulevard

TRACT SIZE: 2.00 gross acres

DISTRICT: # 4

S/T/R: 20/24/30

1 inch = 250 feet



RZ-20-01-076



 Subject Property

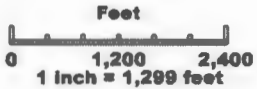
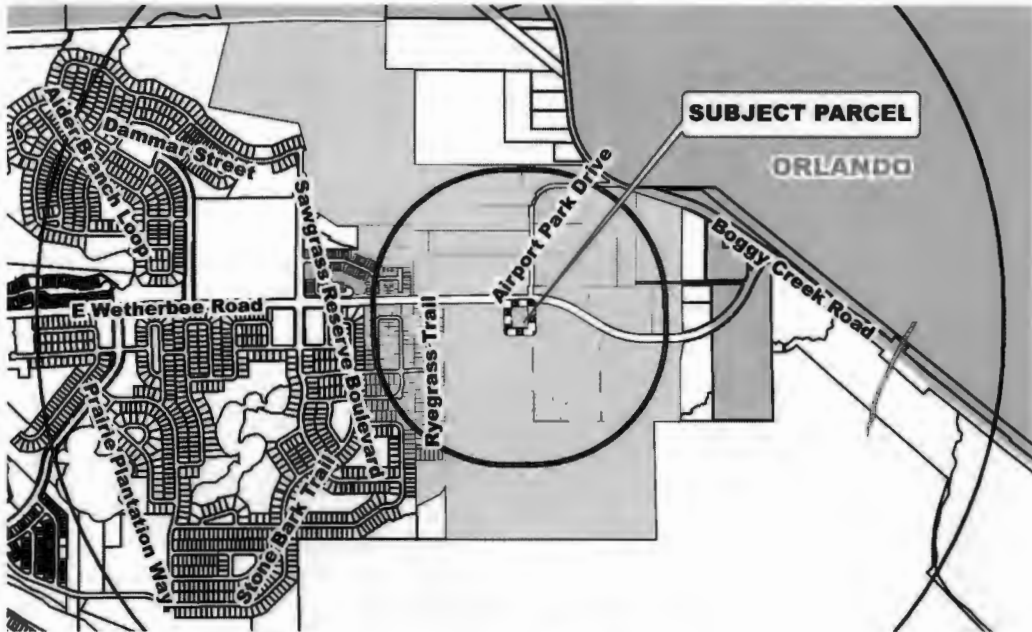









1 inch = 250 feet



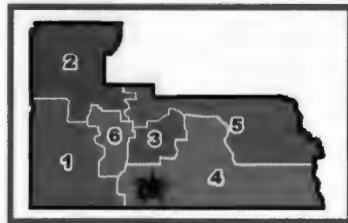
Public Notification Map

RZ-20-01-076



- MAP LEGEND**
-  SUBJECT
 -  1500 FT BUFFER
 -  1 MILE BUFFER
 -  HYDROLOGY
 -  NOTIFIED PARCELS
 -  COURTESY PARCELS
 -  PARCELS

1500 : FT BUFFER
115 : NOTICES
62 : RESIDENTIAL COUNT



Notification Map

Orange County Planning Division
PZC Hearing Date: January 16, 2020

Case # RZ-20-01-076

CASE # RZ-20-01-077

Commission District: #3

GENERAL INFORMATION

APPLICANT	Edward Durruthy
OWNERS	SODO Investments, LLC
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	2717 Alamo Drive; generally east of Alamo Drive, south of W. Michigan Street, north of 29 th Street, and west of Paseo Street
PARCEL ID NUMBER	03-23-29-0180-56-101, 03-23-29-0180-56-070, and 03-23-29-0180-56-181
TRACT SIZE	1.03-gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. Two thirty-eight (238) notices were mailed to those property owners in the surrounding area.
PROPOSED USE	Create four (4) lots of 60' widths and build four (4) single family detached residential structures (pending an approved lot split).

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

The property is currently undeveloped, and was originally platted on June 15, 1923, the subject property is shown as four (4) sixty (60) foot lots on the 'Angebelt Addition, Continued' plat that is currently situated as three lots. The immediate area is developed

with single-family dwelling units on lots varying from sixty (60) feet in width to one hundred twenty (120) feet in width.

Through this request, the applicant is seeking to rezone three (3) parcels from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) in order to create four (4) lots of 60' widths and build four (4) single family detached residential structures (pending an approved lot split).

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Medium Density Residential (LMDR). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low Medium Density Residential FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Undeveloped Residential
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957) E: R-1A (Single-Family Dwelling District) (1957) W: R-1A (Single-Family Dwelling District) (1957) S: R-1A (Single-Family Dwelling District) (1957) <i>*No restrictions apply to the above zoning districts</i>
Adjacent Land Uses	N: Single-Family Residential E: Single-Family Residential W: Single-Family Residential S: Single-Family Residential

R-1 (Single-Family Dwelling District) Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Floor Area:	1,000 sq. ft.

Building Setbacks

Front:	20 ft.
Rear:	20 ft.
Side:	5 ft.

Intent, Purpose, and Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lake Holden has an established Municipal Service Taxing Unit (MSTU) for the purpose of funding lake management services. To the extent this project is part of the taxing district or benefits from Lake Holden, this project shall be required to be a participant.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area (AMA). The following is a list of alternative modes within the project area: LYNX Bus link #40 Americana Blvd/Universal Orlando. There are (3) three existing bus stops within the project area.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

The community meeting was held on January 7th at 6.30 pm at Pineloch Elementary School. Fourteen (14) residents were in attendance. Residents generally were not supportive of the project and raised concerns about septic tanks on smaller lots affecting the water table and Lake Holden. Other questions and concerns were raised about setbacks, platting and conversion to sewer. The applicant clarified that the proposed houses are anticipated to be priced at a range of \$300,000 to \$400,000; will be one and two-stories in height; and will not require any variances or waivers.

Utilities

Water: Orlando Utilities Commission

Wastewater: Orange County Utilities Not currently available

Reclaim Water: City of Orlando

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 16, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The applicant was present and agreed with the staff recommendation.

Staff stated that a community meeting was required for this application and was held on January 7th, 2020, at Pineloch Elementary School. Fourteen (14) residents were in attendance and generally were not supportive of the project and raised concerns regarding septic tanks, water table, setbacks, platting and possible conversion to sewer.

Staff indicated that two hundred thirty eight (238) notices were mailed to the surrounding property owners within a buffer extending 500 feet from the subject property, with zero (0) responses in support of the rezoning and five (5) in opposition. Those in opposition expressed concerns about traffic, too much density, and loss of trees and green space in the neighborhood. One citizen spoke in opposition to the request, citing concerns of increased density and septic tanks on 1/3 acre lots in the neighborhood.

After a brief discussion, a motion was made by Commissioner Fernandez and seconded by Commissioner Abdallah to recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning. The motion carried on a 6-0 vote.

Motion / Second	<i>Eddie Fernandez / Mohammed Abdallah</i>
Voting in Favor	<i>Eddie Fernandez , Mohammed Abdallah, Diane Velazquez, Jimmy Dunn, Gordon Spears, and JaJa Wade</i>
Voting in Opposition	<i>None</i>
Absent	<i>Carlos Nazario</i>

RZ-20-01-077



Subject Property



★ Subject Property

Future Land Use Map

FLUM: Low Medium Density Residential (LMDR)

APPLICANT: Edward Durruthy

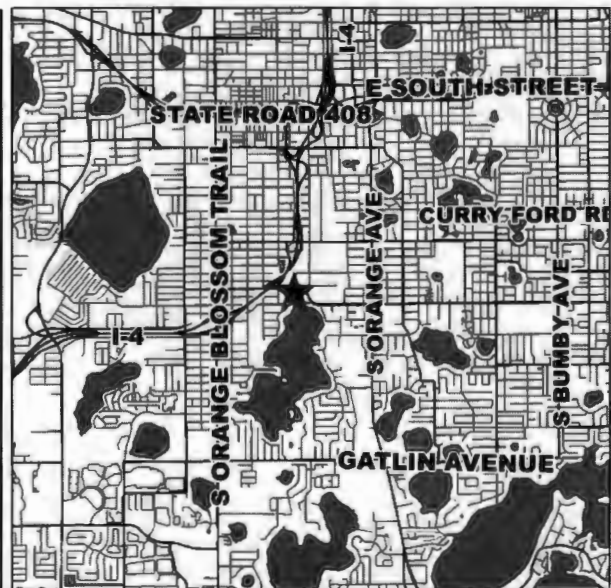
LOCATION: 2717 Alamo Drive; generally east of Alamo Drive south of W. Michigan Street, north of 29th Street, and west of Paseo Street

TRACT SIZE: 1.03-gross acre

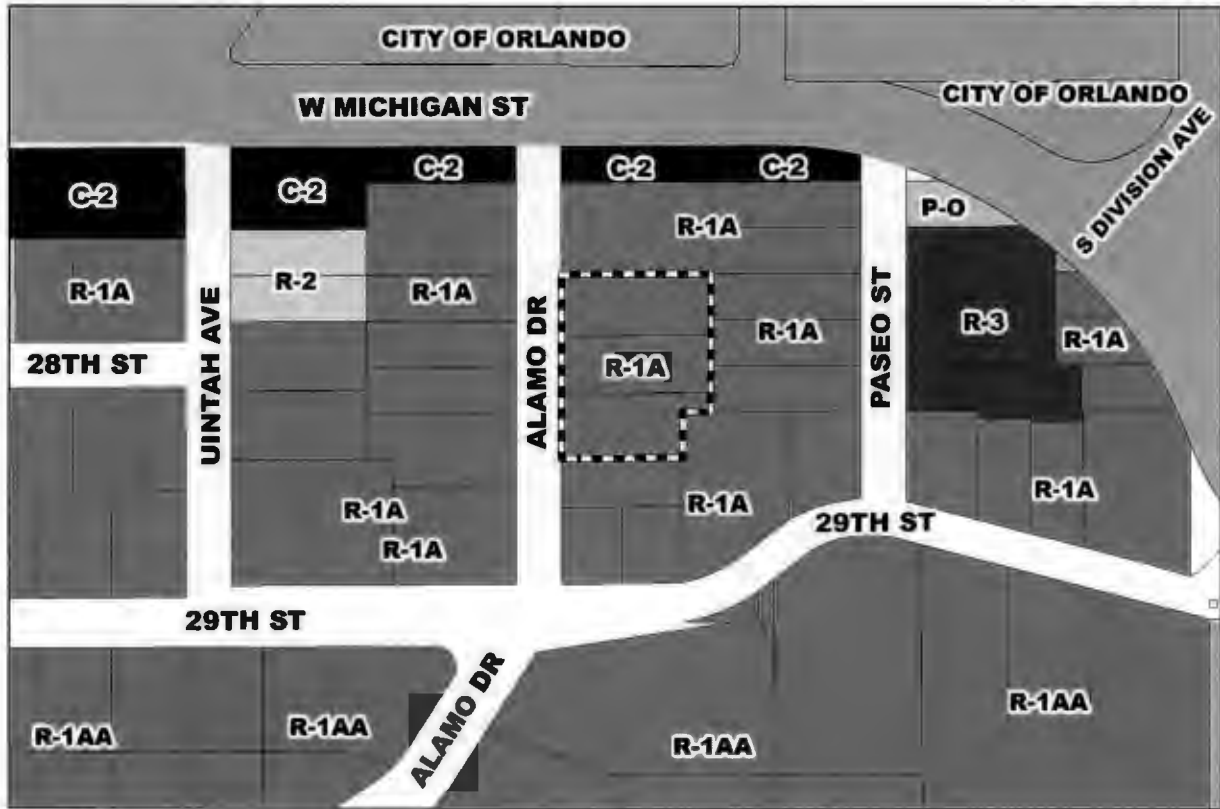
DISTRICT: #3

S/T/R: 29/23/03

1 inch = 205 feet



RZ-20-01-077



Subject Property



Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)

APPLICANT: Edward Durruthy

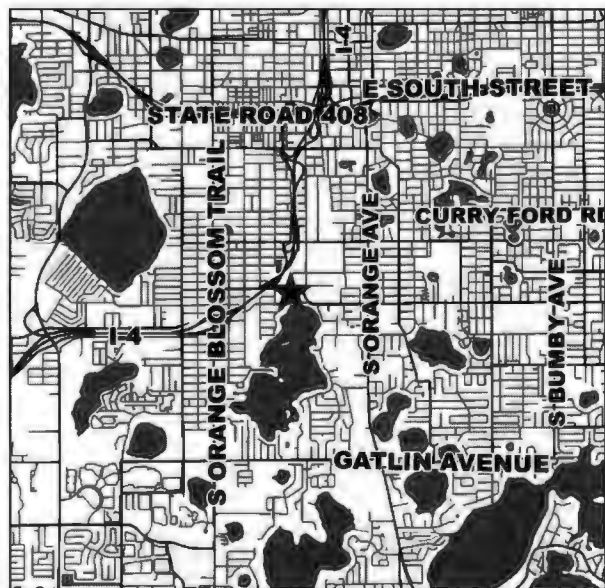
LOCATION: 2717 Alamo Drive; generally east of Alamo Drive south of W. Michigan Street, north of 29th Street, and west of Paseo Street

TRACT SIZE: 1.03-gross acre

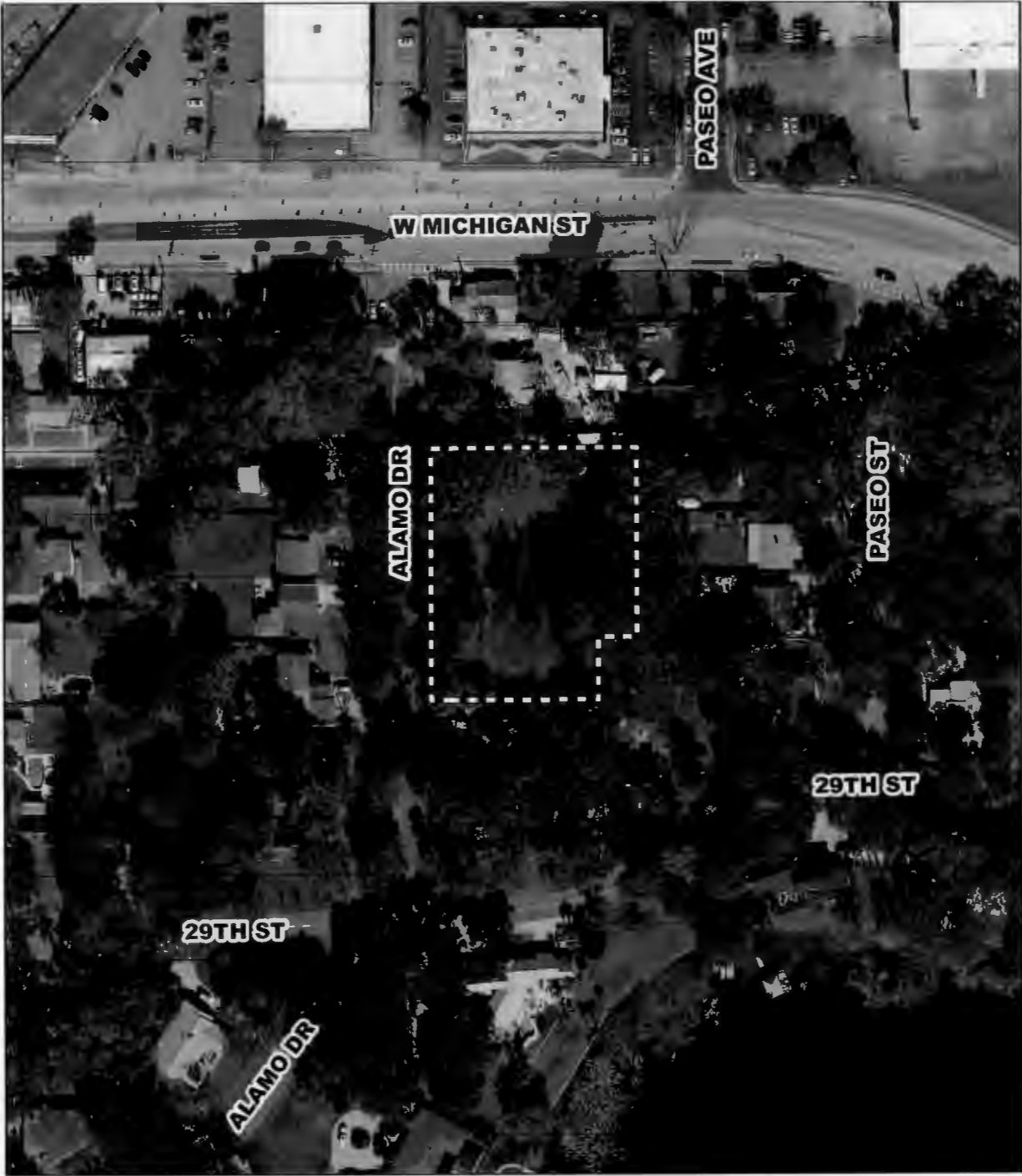
DISTRICT: #3

S/T/R: 29/23/03

1 inch = 205 feet



RZ-20-01-077



 Subject Property



1 inch = 125 feet

Alternative Mobility Area Context Map

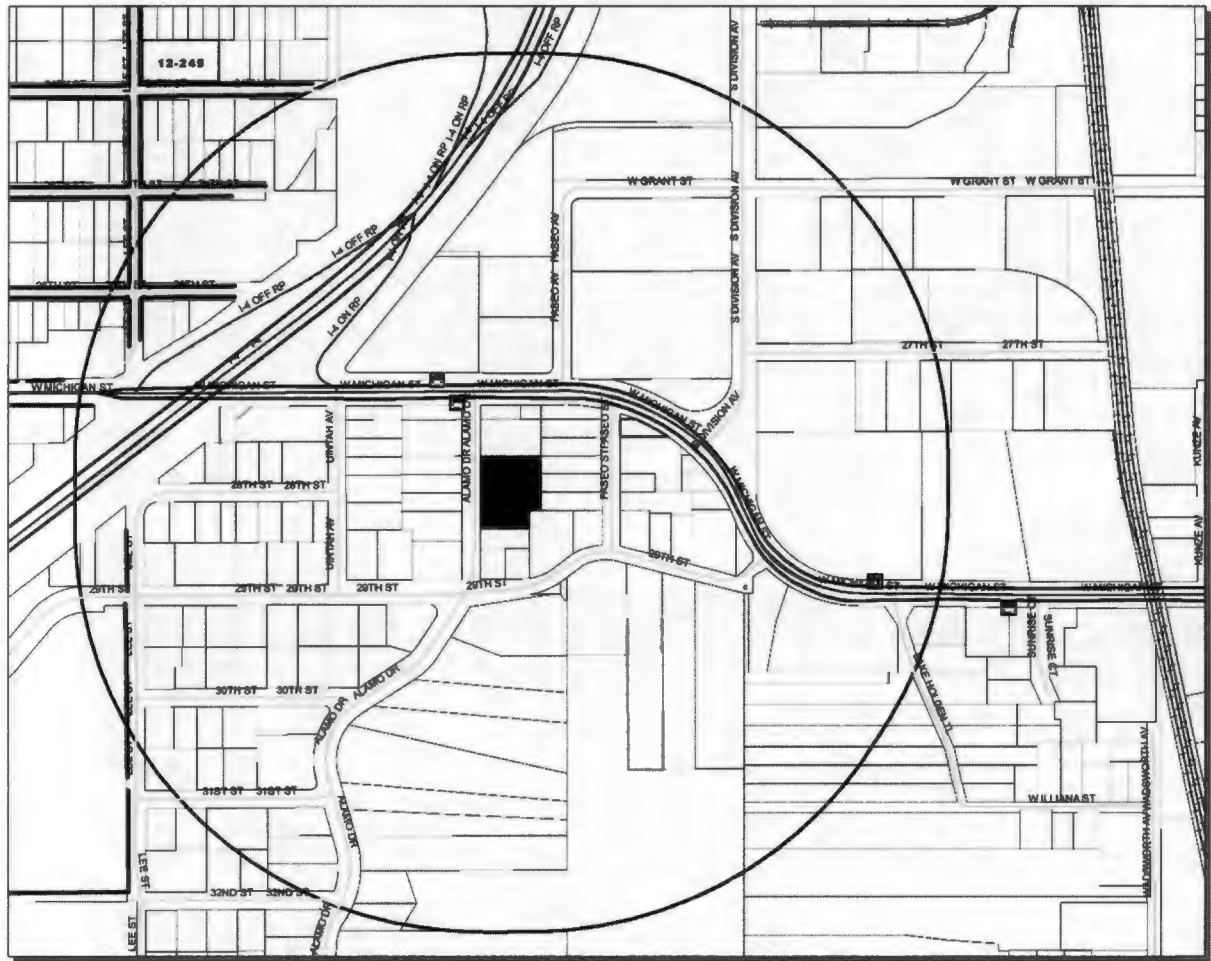
RZ-20-01-077

Legend

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA_PARCELS_Buffer411
- Horizon West Boundary
- CEL Applications
- County Boundary
- Parcels



Date: 12/17/2019

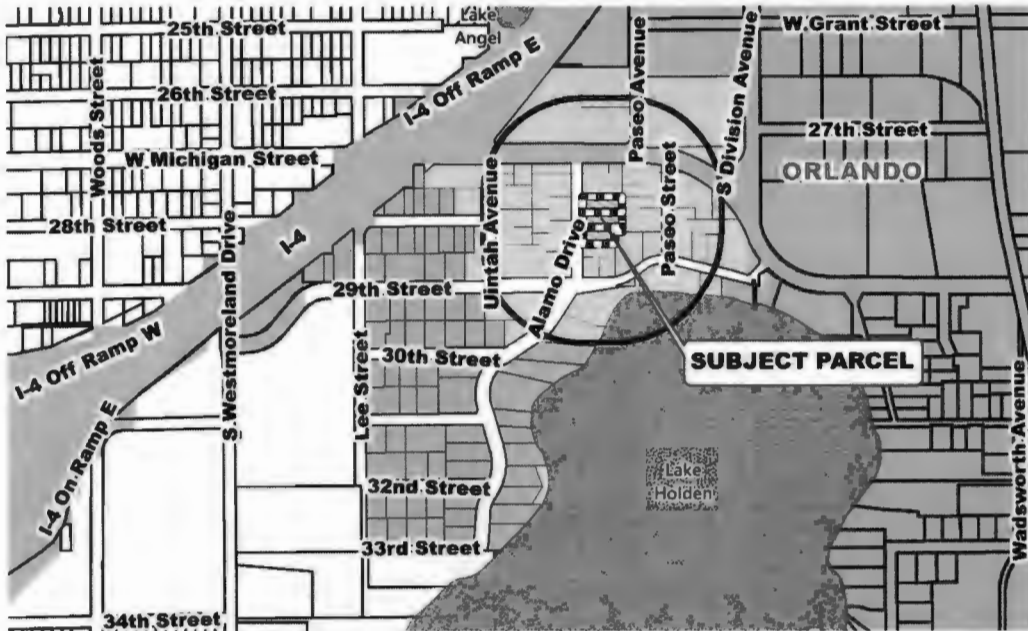


Document Path: U:\GIS 2018.mxd



Public Notification Map

RZ-20-01-077



Subject Site

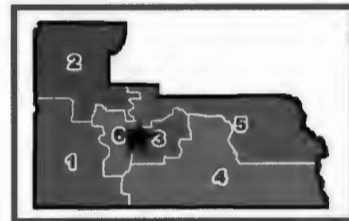
Feet
0 500 1,000
1 inch = 583 feet



MAP LEGEND

- SUBJECT
- 500_FT_BUFFER
- HYDROLOGY
- NOTIFIED_PARCELS
- COURTESY_NOTICES
- PARCELS

500 : FT BUFFER
 238 : NOTICES
 143 : RESIDENTIAL COUNT



S:\Business Systems\Board Administration\2_PZC\2020\1-JANUARY\RZ-20-01-077\RZ-20-01-077.mxd
 12/19/2019 4:16:57 PM

Notification Map

Case # RZ-20-01-077
 Orange County Planning Division
 PZC Hearing Date: January 16, 2020

CASE # RZ-20-01-078

Commission District: #3

GENERAL INFORMATION

APPLICANT	Peter Duke
OWNERS	Charles Graibus and Sandra Graibus
HEARING TYPE	Planning and Zoning Commission
REQUEST	R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)
LOCATION	2515 Raehn Street, or generally on the northwest corner of the intersection of Raehn Street and Clark Street.
PARCEL ID NUMBER	31-22-30-3324-02-070
TRACT SIZE	0.32 gross acre
PUBLIC NOTIFICATION	The notification area for this public hearing was 500 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred ninety-three (193) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Two (2) Single-Family Dwelling Units (<i>Pending approved Lot Split</i>)

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

SUBJECT PROPERTY ANALYSIS

Overview

The subject property was originally platted on January 13, 1925, and is shown as two 50' foot lots on the 'Handsonhurst' plat. The property is currently developed with only a shed.

The immediate area is developed with single-family dwelling units on lots varying from fifty (50) feet in width to one hundred (100) feet in width. The Curry Ford Road corridor is located to the south and consists of commercial uses.

Since 2015, two (2) rezoning requests within the immediate neighborhood have been approved to allow for R-1 (Single-Family Dwelling District) zoning. The first at 1500-1502 Wise Avenue and the second on the northern portion of 2401 Curry Ford Road.

Through this request, the applicant is seeking to rezone the 0.32 acre property from R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District) to construct two (2) single-family homes, pending an approved lot split.

Land Use Compatibility

The R-1 (Single-Family Dwelling District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The proposed R-1 (Single-Family Dwelling District) zoning is consistent with the Low Density Residential FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Shed
Adjacent Zoning	N: R-1A (Single-Family Dwelling District) (1957) E: R-1A (Single-Family Dwelling District) (1957) W: R-1A (Single-Family Dwelling District) (1957) S: R-1A (Single-Family Dwelling District) (1957) P-O (Professional Office District)* (2010) <i>*Restricted to parking and buffering from neighborhood residential uses</i>
Adjacent Land Uses	N: Single-Family Residential E: Single-Family Residential W: Single-Family Residential S: Single-Family Residential Outdoor Storage of Equipment

R-1 [Single-Family Dwelling District] Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 ft.
Max. Height:	35 ft.
Min. Living Area:	1,000 sq. ft.

Building Setbacks

Front:	20 ft.
Rear:	20 ft.
Side:	5 ft.

Intent, Purpose, and Uses

Per Section 38-276 of the Orange County Code, the intent and purpose of the R-1 zoning district is provide residential development similar in general character to the R-1AA and R-1A zoning districts, but with smaller minimum lots and yards, and a corresponding increase in population density.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	This project is located within the Orange County Alternative Mobility Area. The following is a list of alternative modes within the project area: Existing Orange County maintained sidewalks along Curry Ford Road from S. Bumby to Conway Road. LYNX bus link #15 Curry Ford Road/Valencia College East. There are (9) nine existing bus stops within the project area. A mobility analysis may be required for this project at the time of permitting.
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water: Orlando Utilities Commission

Wastewater: City of Orlando

Reclaim Water: City of Orlando

State of Florida Notice

Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

Specific Project Expenditure Report and Relationship Disclosure Form

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

ACTION REQUESTED

Planning and Zoning Commission (PZC) Recommendation – (January 16, 2020)

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) zoning.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

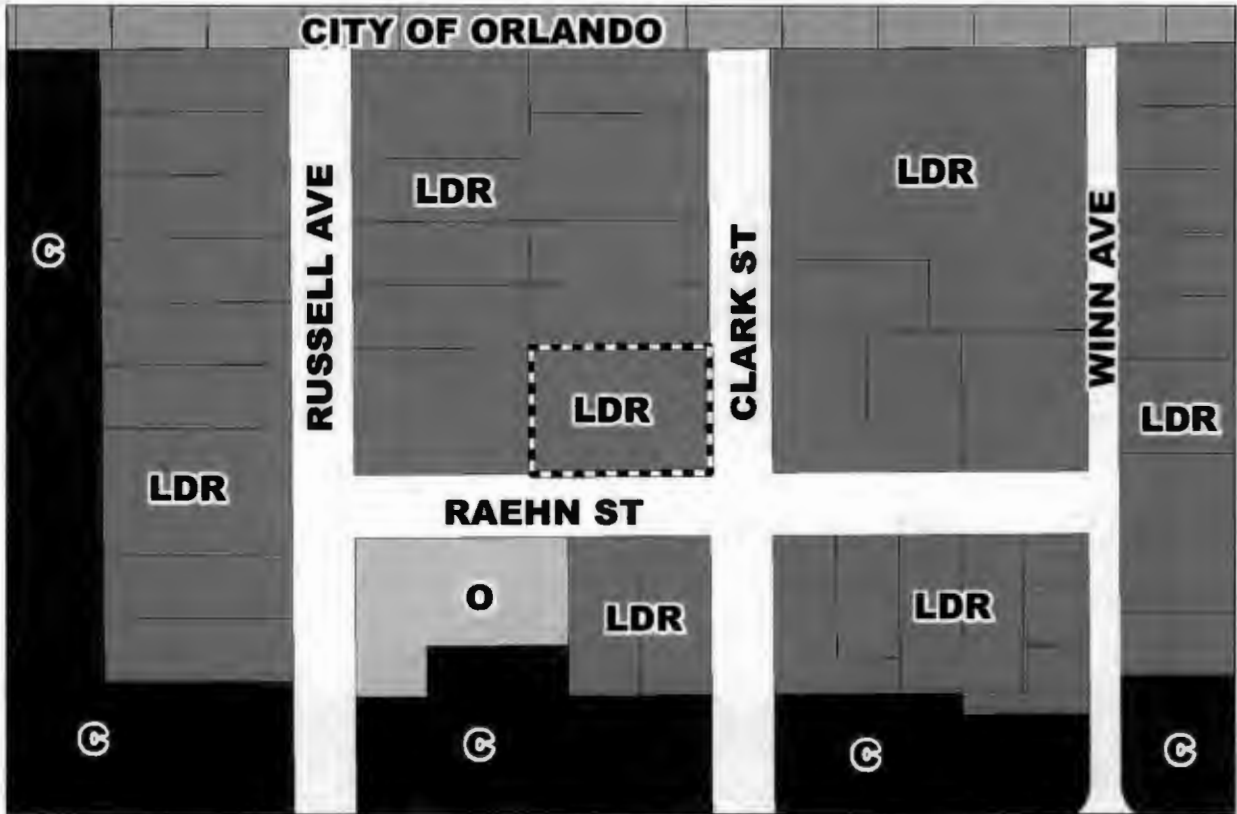
The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 (Single-Family Dwelling District) Zoning. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred ninety-three (193) notices were sent to property owners extending beyond 500 feet surrounding the property, and that staff had received three (3) responses in favor of the request and one (1) in opposition. Those in opposition stated concerns of traffic and their preference for the site to be developed with one (1) single-family home. Zero (0) members of the public were present to speak on this request.

After limited discussion, a motion was made by Commissioner Fernandez, and seconded by Commissioner Dunn to recommend APPROVAL of the requested R-1 zoning. The motion carried on a 6-0 vote.

Motion / Second	<i>Eddie Fernandez / Jimmy Dunn</i>
Voting in Favor	<i>Eddie Fernandez, Jimmy Dunn, Diane Velazquez, JaJa Wade, Gordon Spears, and Mohammed Abdallah</i>
Voting in Opposition	<i>None</i>
Absent	<i>Carlos Nazario</i>

RZ-20-01-078



Subject Property



Subject Property

Future Land Use Map

FLUM: Low Density Residential (LDR)

APPLICANT: Peter Duke

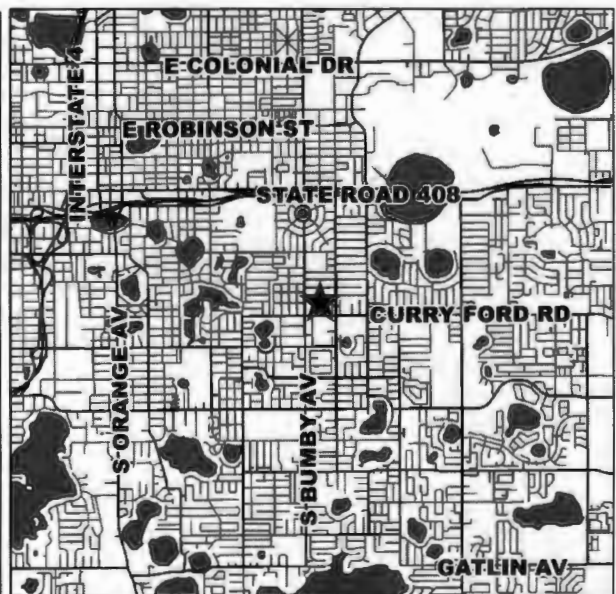
LOCATION: 2515 Raehn Street, or generally located on the north side of Raehn Street, and the west side of Clark Street.

TRACT SIZE: 0.32 gross acres

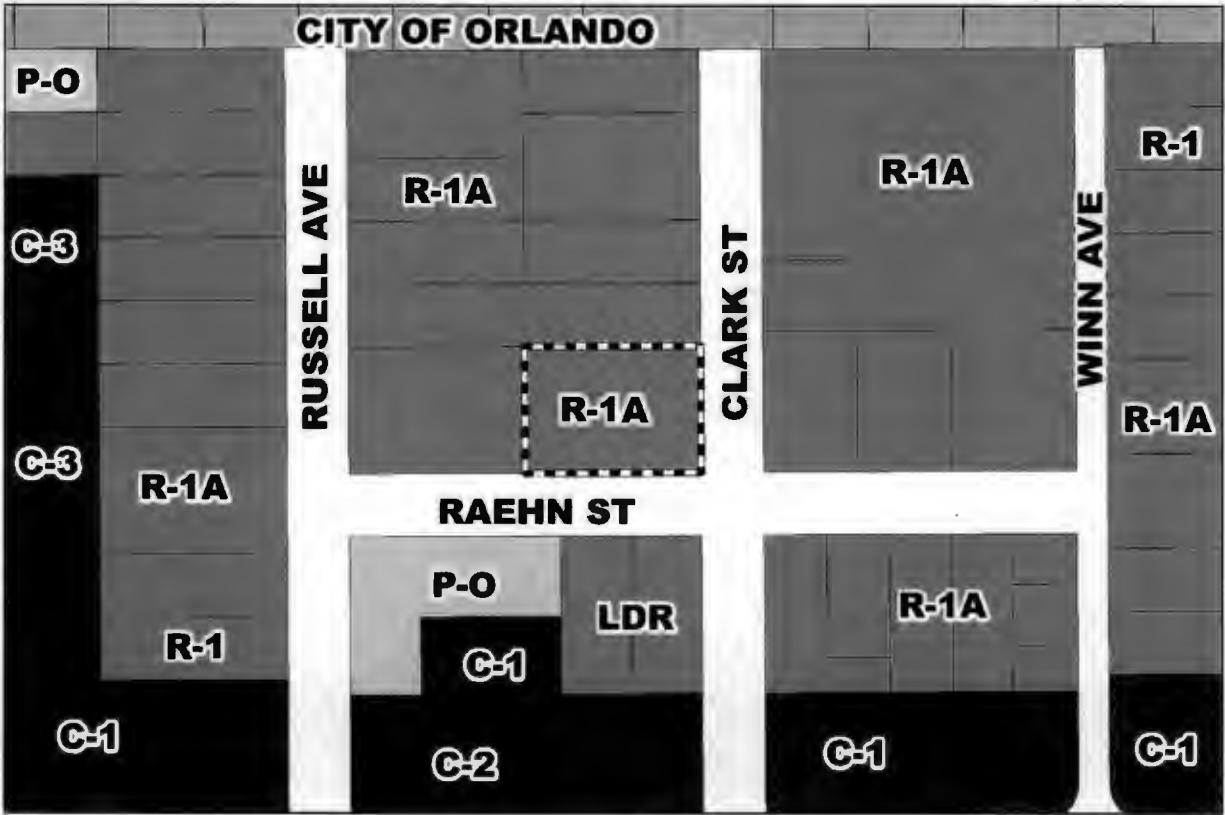
DISTRICT: # 3

S/T/R: 31/22/30

1 inch = 125 feet



RZ-20-01-078



Subject Property



Subject Property

Zoning Map

ZONING: R-1A (Single-Family Dwelling District) to R-1 (Single-Family Dwelling District)

APPLICANT: Peter Duke

LOCATION: 2515 Raehn Street, or generally located on the north side of Raehn Street, and the west side of Clark Street.

TRACT SIZE: 0.32 gross acres

DISTRICT: # 3

S/T/R: 31/22/30

1 inch = 125 feet



RZ-20-01-078



 Subject Property



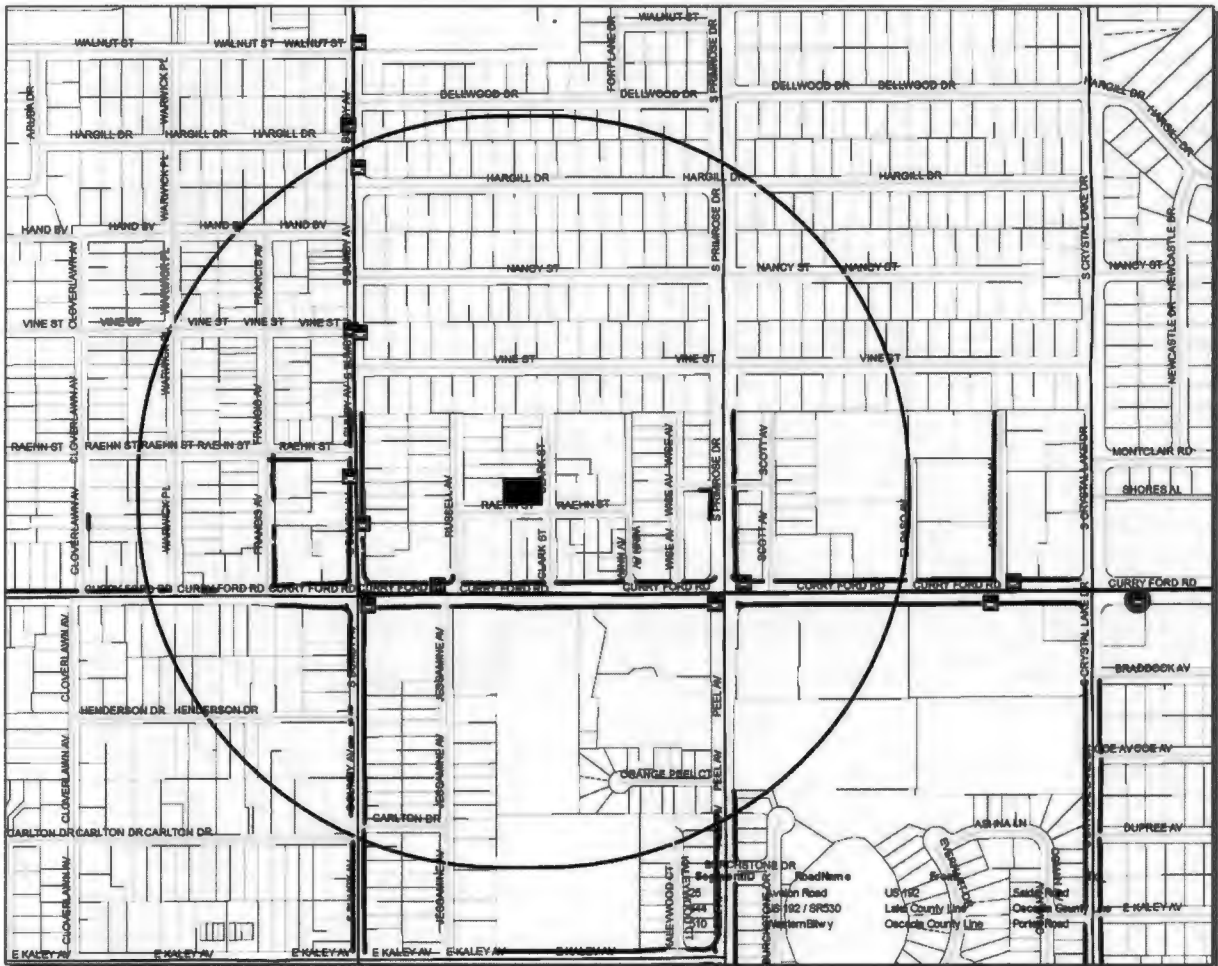
1 inch = 125 feet

Alternative Mobility Area Context Map

RZ-20-01-078
 2515 RAEHN STREET

Legend

- LYNX Bus Stops
- LYNX Bus Stop Shelters
- LYNX Park And Ride
- LYNX Bus Route Schedule
- Major Streets
- Roads Base
- Segment_ID
- City Sidewalk
- County Sidewalk
- Private Sidewalk
- State Sidewalk
- Major Streets
- Streets
- PA_PARCELS_Buffer402
- Horizon West Boundary
- County Boundary
- Parcels

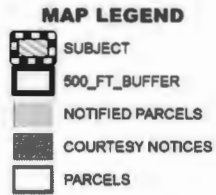
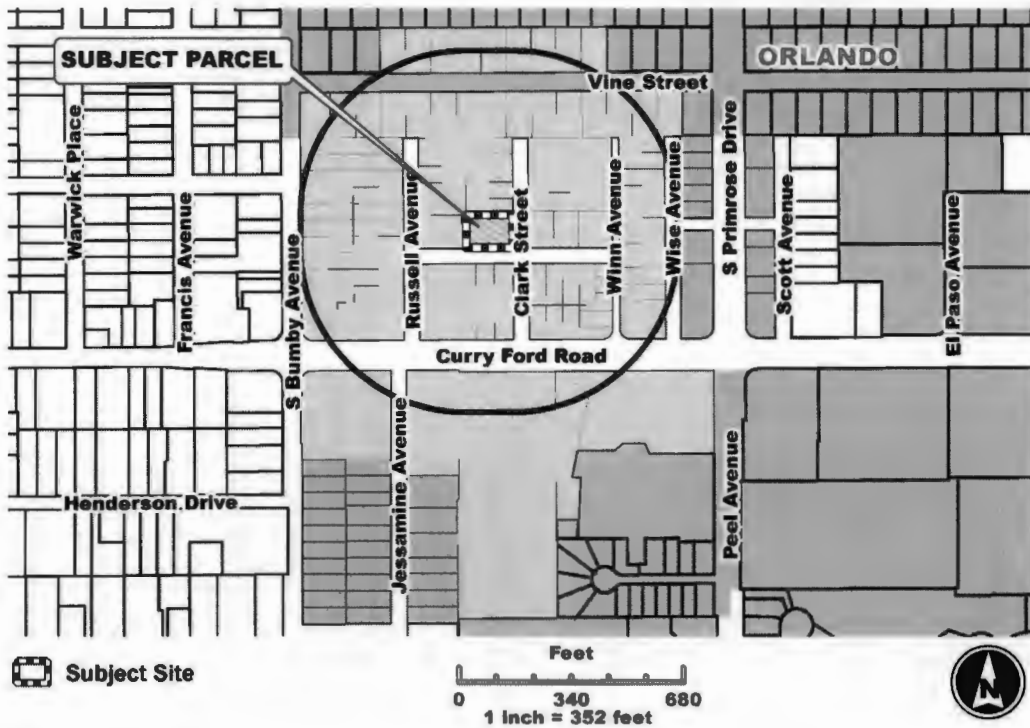


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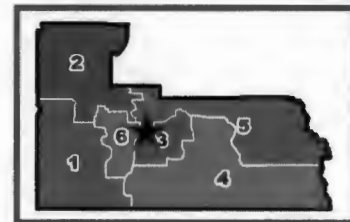


Public Notification Map

RZ-20-01-078



500 : FT BUFFER
193 : NOTICES
72 : RESIDENTIAL COUNT



Notification Map

Case # RZ-20-01-078
 Orange County Planning Division
 PZC Hearing Date: January 16, 2020

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CASE # RZ-20-01-080

Commission District: #4

GENERAL INFORMATION

APPLICANT	Chris Dougherty, S&ME
OWNERS	Michael Jean Ingerman
HEARING TYPE	Planning and Zoning Commission
REQUEST	C-1 (Retail Commercial District) to C-2 (General Commercial District)
LOCATION	14539 E. Colonial Drive, or generally north of E. Colonial Drive, approximately 140 feet east of Frank Street
PARCEL ID NUMBER	24-22-31-1068-02-010
TRACT SIZE	0.95 gross acres
PUBLIC NOTIFICATION	The notification area for this public hearing was 1,000 feet [Chapter 30-40(c)(3a) of the Orange County Code requires 300 feet]. One hundred sixty-one (161) notices were mailed to those property owners in the surrounding area. A community meeting was not required for this application.
PROPOSED USE	Automobile Repair

STAFF RECOMMENDATION

PLANNING

Make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to the following restrictions:

- 1) New billboards and pole signs shall be prohibited; and
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any C-2 uses; and
- 3) The use of Outdoor Storage and Display shall be prohibited; and
- 4) Access to Bell Street shall be prohibited; and

- 5) Bay doors shall not be oriented toward the north property line; and
- 6) A six (6) foot masonry wall shall be constructed along the north property line.

SUBJECT PROPERTY ANALYSIS

Overview

The subject property is currently developed with a single-family dwelling unit. The surrounding area consists of varying levels of commercial development along the E. Colonial Drive Corridor with single-family and mobile homes to the north and south of the corridor. The single-family to the north is separated from the subject property by a fifty (50) foot right-of-way. The subject property is located within the Econlockhatchee River Protection Ordinance and will be required to comply with the standards of this ordinance.

Through this request, the applicant is seeking to rezone the 0.95 acre property from C-1 (Retail Commercial District) to C-2 (General Commercial District) for an automobile repair use.

Land Use Compatibility

The C-2 (General Commercial District) zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

Site Analysis

	Yes	No	Information
Rural Settlement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Joint Planning Area (JPA)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Overlay District Ordinance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Airport Noise Zone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Code Enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Comprehensive Plan (CP) Consistency

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Commercial (C). The proposed C-2 (General Commercial District) zoning is consistent with the Commercial FLUM designation, therefore a CP amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

FLU1.4.2 states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

FLU1.4.4 states that the disruption of residential areas by poorly located and designed commercial activities shall be avoided.

FLU8.1.1 states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

OBJ FLU8.2 states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

FLU8.2.1 states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

FLU8.2.11 states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

SITE DATA

Existing Use	Single-Family Residential
Adjacent Zoning	N: R-2 (Residential District) (2008) A-2 (Farmland Rural District) (1957) E: C-1 (Retail Commercial District) (1957) W: C-3 (Wholesale Commercial District) (1986) S: PD (Planned Development District) (1995)
Adjacent Land Uses	N: Single-Family Residential E: Undeveloped Land W: Auto Repair S: Restaurant / Tire Store

C-2 (General Commercial District) Development Standards

Min. Lot Area: 8,000 sq. ft.

Min. Lot Width: 100 ft. (on major streets, see Article XV)
80 ft. (on all other streets)
Max. Height: 50 ft. (35 ft. within 100 ft. of residential)
Min. Floor Area: 500 sq. ft.

Building Setbacks

Front: 25 ft.
Rear: 15 ft. (20 ft. when abutting residential)
Side: 5 ft. (25 ft. when abutting residential)

Intent, Purpose, and Uses

The intent and purpose of the C-2 zoning district is to provide for the retailing of commodities and the furnishing of several major services, selected trade shops and automotive repairs. This district is encouraged at locations along minor arterial and major arterial roads where general commercial uses would be compatible with the surrounding neighborhood, yet not adjacent to residential uses. This district typically occupies an area larger than that of the retail commercial district, serves a considerably greater population, and offers a wider range of services. This district is only promoted within the urban service area where uses of this intensity have already been established.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code and include new and used automobile sales; car rental and leasing; auto painting and body shops; special trade contractors' offices (storage, equipment yards, and offices with outdoor storage); automobile parking lots and parking garages; outdoor storage and display of equipment, products, and merchandise; landscaping and irrigation businesses; commercial kennels; caterers; etc.

SPECIAL INFORMATION

Staff Comments

	Yes	No	Information
Environmental	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any miscellaneous garbage, hazardous waste, yard waste (including excess fertilizers, herbicides and pesticides), and construction or demolition debris shall be disposed of off-site according to the solid waste and hazardous waste regulations. Call the Orange County Solid Waste Hotline at 407-836-6601 for information. This site is located within the Econlockhatchee River Protection Ordinance area. Basin-wide regulations may apply. Reference Chapter 15 Article XI.
Transportation / Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on the capacity database dated December 17, 2019, there are two (2)

			<p>ailing roadway segments within the project area. E. Colonial Drive from Woodbury Road to Lake Pickett Road and from Avalon Park Boulevard to S. Tanner Road. A traffic study will be required for this project at the time of permitting.</p>
Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Parks and Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Community Meeting Summary

A community meeting was not required for this request.

Utilities

Water:	Orange County Utilities	12-inch and 24-inch watermain within E Colonial right-of-way
Wastewater:	Orange County Utilities	30-inch forcemain within E Colonial right-of-way
Reclaim Water:	Orange County Utilities	Not currently available

State of Florida Notice

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ACTION REQUESTED

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- 3) The use of Outdoor Storage and Display shall be prohibited; and
- 4) Access to Bell Street shall be prohibited; and
- 5) Bay doors shall not be oriented toward the north property line; and
- 6) A six (6) foot masonry wall shall be constructed along the north property line; and
- 7) Within ten (10) days of final approval, owner shall record notice in the official records of Orange County, Florida, stating that the owner will accommodate future cross-access to the adjacent commercial land uses so long as such uses are compliant with Orange County Code.

PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested C-2 (General Commercial District) zoning, subject to restrictions. The applicant was present and agreed with the staff recommendation.

Staff indicated that one hundred sixty-one (161) notices were sent to property owners extending beyond 1,000 feet surrounding the property, and that staff had received zero (0) commentaries in response to the request. Zero (0) members of the public were present to speak on this request.

After discussion related to clarifying which Commission District the subject property is located in, access, and an additional restriction, a motion was made by Commissioner Spears, and seconded by Commissioner Abdallah to recommend APPROVAL of the requested R-1 zoning, subject to restrictions. The motion carried on a 6-0 vote.

Motion / Second

Gordon Spears / Mohammed Abdallah

Voting in Favor

Gordon Spears, Mohammed Abdallah, JaJa Wade, Jimmy Dunn, Diane Velazquez, and Eddie Fernandez

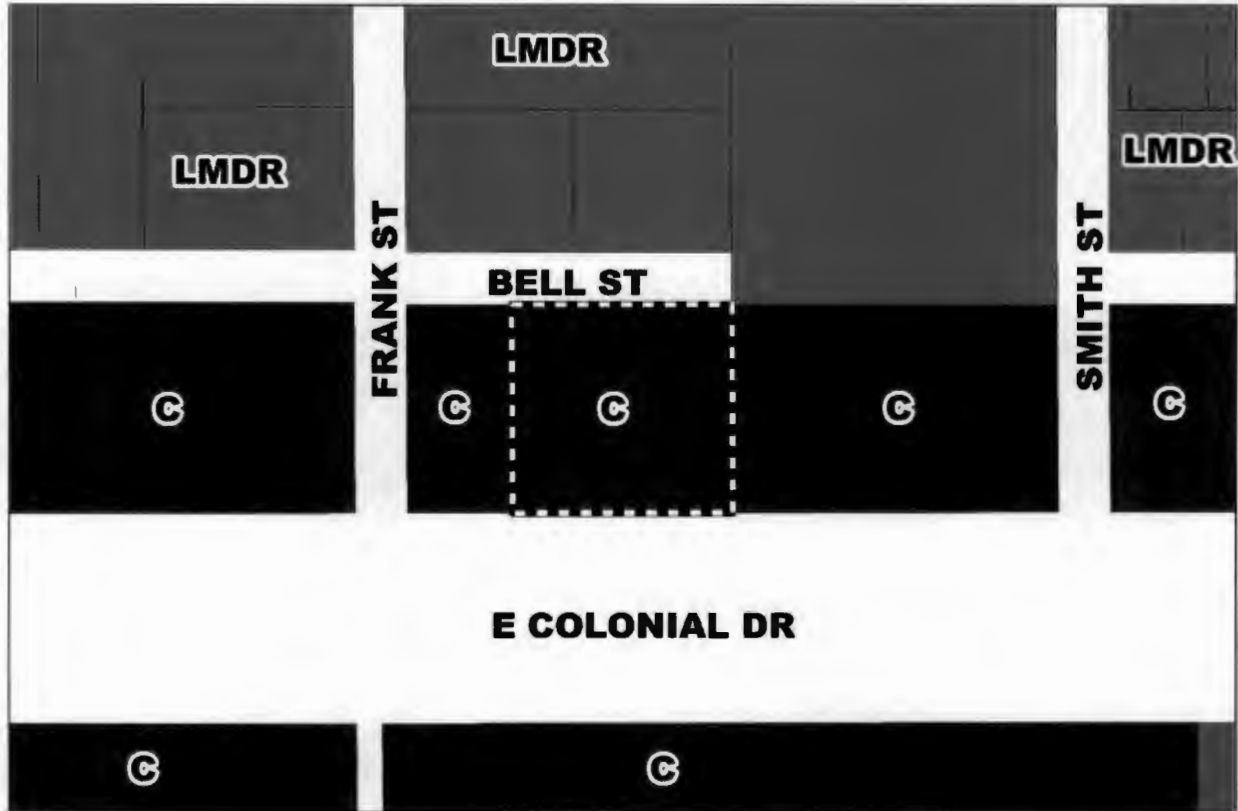
Voting in Opposition

None

Absent

Carlos Nazario

RZ-20-01-080



 Subject Property



★ Subject Property

Future Land Use Map

FLUM : Commercial (C)

APPLICANT: Chris Dougherty, S&ME

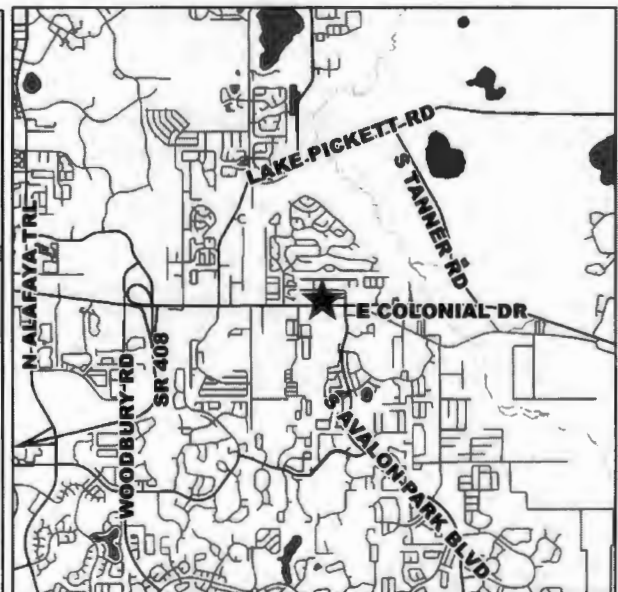
LOCATION: 14539 E Colonial Drive, or generally located north of E. Colonial Drive, approximately 140 feet east of Frank Street

TRACT SIZE: 0.95 gross acres

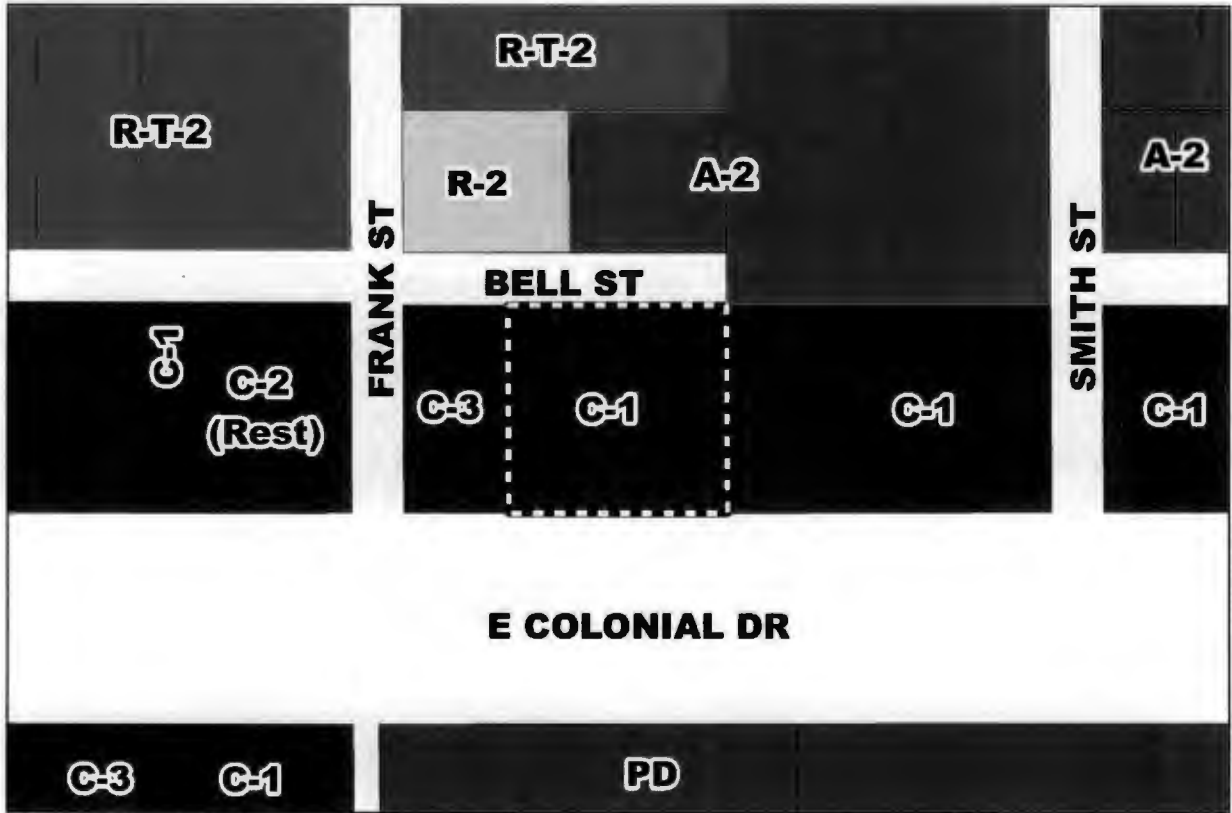
DISTRICT: # 4

S/T/R: 24/22/31

1 inch = 150 feet



RZ-20-01-080



Subject Property



Subject Property

Zoning Map

ZONING: C-1 (Retail Commercial District) to C-2 (General Commercial District)

APPLICANT: Chris Dougherty, S&ME

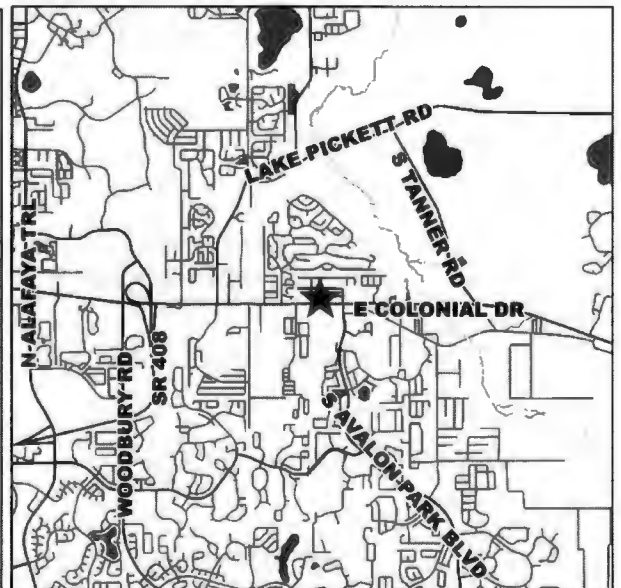
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TRACT SIZE: 0.95 gross acres

DISTRICT: # 4

S/T/R: 24/22/31

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RZ-20-01-080



 Subject Property

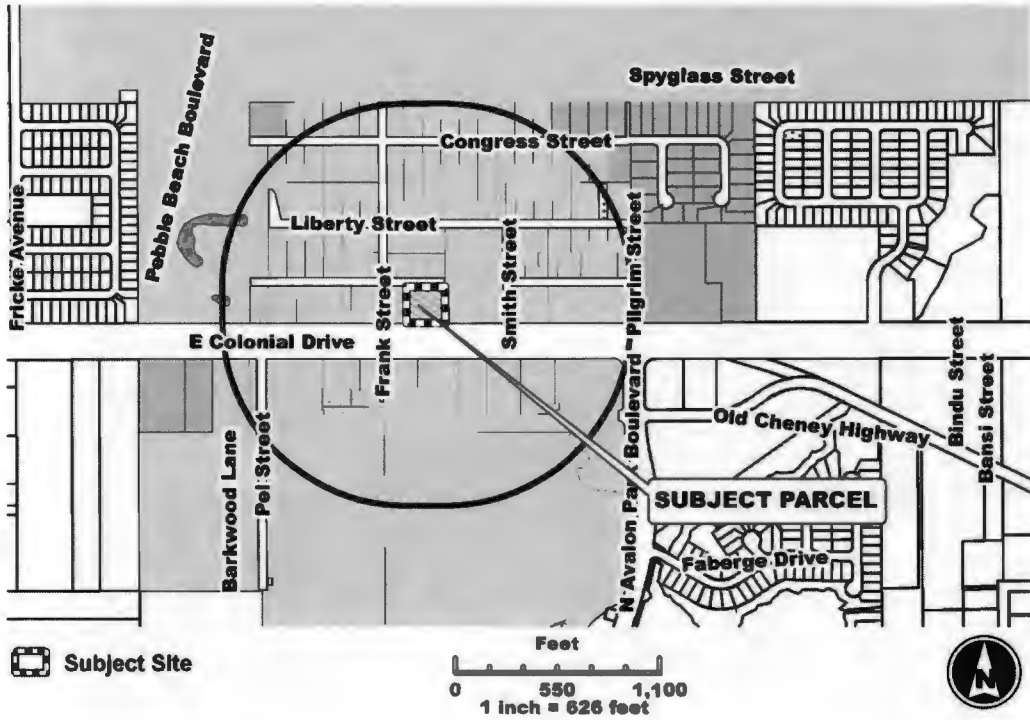


1 inch = 125 feet



Public Notification Map

RZ-20-01-080



MAP LEGEND

	SUBJECT
	1000_FT_BUFFER
	HYDROLOGY
	NOTIFIED PARCELS
	COURTESY PARCELS
	PARCELS

1000 : FT BUFFER
 161 : NOTICES
 56 : RESIDENTIAL COUNT



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Notification Map

Case # RZ-20-01-080
 Orange County Planning Division
 PZC Hearing Date: January 16, 2020